

5115 conservatories, arboretums, or office buildings where agricultural plants are present primarily for
5116 aesthetic or climatic modification.

5117 *Hand labor* means any agricultural activity performed by hand or with hand tools that
5118 causes a worker to have substantial contact with surfaces (such as plants, plant parts, or soil) that
5119 may contain pesticide residues. These activities include, but are not limited to, harvesting,
5120 detasseling, thinning, weeding, topping, planting, sucker removal, pruning, disbudding, roguing,
5121 and packing produce into containers in the field. Hand labor does not include operating, moving,
5122 or repairing irrigation or watering equipment or performing the tasks of crop advisors.

5123 *Handler* means any person, including a self-employed person:

5124 (1) Who is employed for any type of compensation by an agricultural establishment or
5125 commercial pesticide handling establishment to which subpart C of this part applies and who is:

5126 (i) Mixing, loading, transferring, or applying pesticides.

5127 (ii) Disposing of pesticides or pesticide containers.

5128 (iii) Handling opened containers of pesticides.

5129 (iv) Acting as a flagger.

5130 (v) Cleaning, adjusting, handling, or repairing the parts of mixing, loading, or application
5131 equipment that may contain pesticide residues.

5132 (vi) Assisting with the application of pesticides.

5133 (vii) Entering a greenhouse or other enclosed area after the application and before the
5134 inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria
5135 established by this part (§170.110(c)(3)) or in the labeling has been met:

5136 (A) To operate ventilation equipment.

5137 (B) To adjust or remove coverings used in fumigation.

5138 (C) To monitor air levels.

5139 (viii) Entering a treated area outdoors after application of any soil fumigant to adjust or
5140 remove soil coverings such as tarpaulins.

5141 (ix) Performing tasks as a crop advisor:

5142 (A) During any pesticide application.

5143 (B) Before the inhalation exposure level listed in the labeling has been reached or one of the
5144 ventilation criteria established by this part (§170.110(c)(3)) or in the labeling has been met.

5145 (C) During any restricted-entry interval.

5146 (2) The term does not include any person who is only handling pesticide containers that
5147 have been emptied or cleaned according to pesticide product labeling instructions or, in the
5148 absence of such instructions, have been subjected to triple-rinsing or its equivalent.

5149 *Handler employer* means any person who is self-employed as a handler or who employs any
5150 handler, for any type of compensation.

5151 *Immediate family* includes only spouse, children, stepchildren, foster children, parents,
5152 stepparents, foster parents, brothers, and sisters.

5153 *Nursery* means any operation engaged in the outdoor production of any agricultural plant to
5154 produce cut flowers and ferns or plants that will be used in their entirety in another location.

5155 Such plants include, but are not limited to, flowering and foliage plants or trees; tree seedlings;
5156 live Christmas trees; vegetable, fruit, and ornamental transplants; and turfgrass produced for sod.

5157 *Owner* means any person who has a present possessory interest (fee, leasehold, rental, or
5158 other) in an agricultural establishment covered by this part. A person who has both leased such
5159 agricultural establishment to another person and granted that same person the right and full
5160 authority to manage and govern the use of such agricultural establishment is not an owner for

5161 purposes of this part.

5162 *Restricted-entry interval* means the time after the end of a pesticide application during
5163 which entry into the treated area is restricted.

5164 *Treated area* means any area to which a pesticide is being directed or has been directed.

5165 *Worker* means any person, including a self-employed person, who is employed for any type
5166 of compensation and who is performing activities relating to the production of agricultural plants
5167 on an agricultural establishment to which subpart B of this part applies. While persons employed
5168 by a commercial pesticide handling establishment are performing tasks as crop advisors, they are
5169 not workers covered by the requirements of subpart B of this part.

5170 **§170.7 General duties and prohibited actions.**

5171 (a) *General duties.* The agricultural employer or the handler employer, as appropriate, shall:

5172 (1) Assure that each worker subject to subpart B of this part or each handler subject to
5173 subpart C of this part receives the protections required by this part.

5174 (2) Assure that any pesticide to which subpart C of this part applies is used in a manner
5175 consistent with the labeling of the pesticide, including the requirements of this part.

5176 (3) Provide, to each person who supervises any worker or handler, information and
5177 directions sufficient to assure that each worker or handler receives the protections required by
5178 this part. Such information and directions shall specify which persons are responsible for actions
5179 required to comply with this part.

5180 (4) Require each person who supervises any worker or handler to assure compliance by the
5181 worker or handler with the provisions of this part and to assure that the worker or handler
5182 receives the protections required by this part.

5183 (b) *Prohibited actions.* The agricultural employer or the handler employer shall not take any

retaliatory action for attempts to comply with this part or any action having the effect of preventing or discouraging any worker or handler from complying or attempting to comply with any requirement of this part.

§170.9 Violations of this part.

(a) Under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 *et seq.*) (FIFRA) section 12(a)(2)(G) it is unlawful for any person “to use any registered pesticide in a manner inconsistent with its labeling.” When this part is referenced on a label, users must comply with all of its requirements except those that are inconsistent with product-specific instructions on the labeling. For the purposes of this part, EPA interprets the term “use” to include:

(1) Preapplication activities, including, but not limited to:

(i) Arranging for the application of the pesticide;

(ii) Mixing and loading the pesticide; and

(iii) Making necessary preparations for the application of the pesticide, including responsibilities related to worker notification, training of handlers, decontamination, use and care of personal protective equipment, emergency information, and heat stress management.

(2) Application of the pesticide.

(3) Post-application activities necessary to reduce the risks of illness and injury resulting from handlers' and workers' occupational exposures to pesticide residues during the restricted-entry interval plus 30 days. These activities include, but are not limited to, responsibilities related to worker training, notification, and decontamination.

(4) Other pesticide-related activities, including, but not limited to, providing emergency assistance, transporting or storing pesticides that have been opened, and disposing of excess

5207 pesticides, spray mix, equipment wash waters, pesticide containers, and other pesticide-
5208 containing materials.

5209 (b) A person who has a duty under this part, as referenced on the pesticide product label,
5210 and who fails to perform that duty, violates FIFRA section 12(a)(2)(G) and is subject to a civil
5211 penalty under section 14. A person who knowingly violates section 12(a)(2)(G) is subject to
5212 section 14 criminal sanctions.

5213 (c) FIFRA section 14(b)(4) provides that a person is liable for a penalty under FIFRA if
5214 another person employed by or acting for that person violates any provision of FIFRA. The term
5215 “acting for” includes both employment and contractual relationships.

5216 (d) The requirements of this part, including the decontamination requirements, shall not, for
5217 the purposes of section 653(b)(1) of title 29 of the U.S. Code, be deemed to be the exercise of
5218 statutory authority to prescribe or enforce standards or regulations affecting the general sanitary
5219 hazards addressed by the OSHA Field Sanitation Standard, 29 CFR 1928.110, or other
5220 agricultural, nonpesticide hazards.

5221 **§170.11 Implementation and expiration dates.**

5222 (a) *Implementation date.* Beginning [Insert date: one year after the effective date of
5223 the final rule], the requirements of §170.301 through §170.609 of this part shall apply to any
5224 pesticide product that bears the statement “Use this product only in accordance with its labeling
5225 and with the Worker Protection Standard, 40 CFR part 170”.

5226 (b) *Expiration date.* §170.1 through §170.260 of this part shall expire on, and will no
5227 longer be effective after [Insert date: one year after the effective date of the final rule].

5228 **Subpart B—Standard for Workers**

5229

5230 **§170.102 Applicability of this subpart.**

5231 Except as provided by §§170.103 and 170.104, this subpart applies when any pesticide
5232 product is used on an agricultural establishment in the production of agricultural plants.

5233 [60 FR 21952, May 3, 1995]

5234 **§170.103 Exceptions.**

5235 *Exceptions.* This subpart does not apply when any pesticide is applied on an agricultural
5236 establishment in the following circumstances:

5237 (a) For mosquito abatement, Mediterranean fruit fly eradication, or similar wide-area public
5238 pest control programs sponsored by governmental entities;

5239 (b) On livestock or other animals, or in or about animal premises;

5240 (c) On plants grown for other than commercial or research purposes, which may include
5241 plants in habitations, home fruit and vegetable gardens, and home greenhouses;

5242 (d) On plants that are in ornamental gardens, parks, and public or private lawns and grounds
5243 that are intended only for aesthetic purposes or climatic modification;

5244 (e) By injection directly into agricultural plants. Direct injection does not include “hack and
5245 squirt,” “frill and spray,” chemigation, soil-incorporation, or soil-injection;

5246 (f) In a manner not directly related to the production of agricultural plants, including, but
5247 not limited to, structural pest control, control of vegetation along rights-of-way and in other
5248 noncrop areas, and pasture and rangeland use;

5249 (g) For control of vertebrate pests;

5250 (h) As attractants or repellents in traps;

5251 (i) On the harvested portions of agricultural plants or on harvested timber; and

5252 (j) For research uses of unregistered pesticides.

5253 [57 FR 38151, Aug. 21, 1992. Redesignated at 60 FR 21952, May 3, 1995]

5254 **§170.104 Exemptions.**

5255 The workers listed in this section are exempt from the specified provisions of this subpart.

5256 (a) *Owners of agricultural establishments.* (1) The owner of an agricultural establishment is
5257 not required to provide to himself or members of his immediate family who are performing tasks
5258 related to the production of agricultural plants on their own agricultural establishment the
5259 protections of:

5260 (i) Section 170.112(c)(5) through (9).

5261 (ii) Section 170.112(c)(5) through (9) as referenced in §§170.112(d)(2)(iii) and 170.112(e).

5262 (iii) Section 170.120.

5263 (iv) Section 170.122.

5264 (v) Section 170.130.

5265 (vi) Section 170.135.

5266 (vii) Section 170.150.

5267 (viii) Section 170.160.

5268 (2) The owner of the agricultural establishment must provide the protections listed in
5269 paragraph (a)(1)(i) through (viii) of this section to other workers and other persons who are not
5270 members of his immediate family.

5271 (b) *Crop advisors.* (1) Provided that the conditions of paragraph (b)(2) of this section are
5272 met, a person who is certified or licensed as a crop advisor by a program acknowledged as
5273 appropriate in writing by EPA or a State or Tribal lead agency for pesticide enforcement, and
5274 persons performing crop advising tasks under such qualified crop advisor's direct supervision,
5275 are exempt from the provisions of:

5276 (i) Section 170.150.

5277 (ii) Section 170.160.

5278 A person is under the direct supervision of a crop advisor when the crop advisor exerts the
5279 supervisory controls set out in paragraphs (b)(2)(iii) and (iv) of this section. Direct supervision
5280 does not require that the crop advisor be physically present at all times, but the crop advisor must
5281 be readily accessible to the employees at all times.

5282 (2) Conditions of exemption.

5283 (i) The certification or licensing program requires pesticide safety training that includes, at
5284 least, all the information in §170.230(c)(4).

5285 (ii) Applies only when performing crop advising tasks in the treated area.

5286 (iii) The crop advisor must make specific determinations regarding the appropriate personal
5287 protective equipment, appropriate decontamination supplies, and how to conduct the tasks safely.
5288 The crop advisor must convey this information to each person under his direct supervision in a
5289 language that the person understands.

5290 (iv) Before entering a treated area, the certified or licensed crop advisor must inform,
5291 through an established practice of communication, each person under his direct supervision of
5292 the pesticide product and active ingredient(s) applied, method of application, time of application,
5293 the restricted entry interval, which tasks to undertake, and how to contact the crop advisor.

5294 [60 FR 21952, May 3, 1995, as amended at 73 FR 75598, Dec. 12, 2008]

5295 **§170.110 Restrictions associated with pesticide applications.**

5296 (a) *Farms and forests.* During the application of any pesticide on a farm or in a forest, the
5297 agricultural employer shall not allow or direct any person, other than an appropriately trained
5298 and equipped handler, to enter or to remain in the treated area.

5299 (b) *Nurseries*. In a nursery, during any pesticide application described in column A of Table 1 of
 5300 this paragraph, the agricultural employer shall not allow or direct any person, other than an
 5301 appropriately trained and equipped handler, to enter or to remain in the area specified in column
 5302 B of Table 1 of this paragraph. After the application is completed, until the end of any restricted-
 5303 entry interval, the entry-restricted area is the treated area.

5304 **Table 1—Entry-Restricted Areas In Nurseries During Pesticide Applications**

A. During Application of a Pesticide:	B. Workers are Prohibited in:
(1) (a) Applied: (i) Aerially, or (ii) In an upward direction, or (iii) Using a spray pressure greater than 150 psi, or (b) Applied as a: (i) Fumigant, or (ii) Smoke, or (iii) Mist, or (iv) Fog, or (v) Aerosol.	Treated area plus 100 feet in all directions on the nursery
(2)(a) Applied downward using: (i) A height of greater than 12 inches from the planting medium, or (ii) A fine spray, or (iii) A spray pressure greater	Treated are plus 25 feet in all directions on the nursery

than 40 psi and less than 150 psi.	
(b) Not as in 1 or 2(a) above but for which a respiratory protection device is required for application by the product labeling.	
(3) Applied otherwise.	Treated area

5305

5306 (c) *Greenhouses*. (1) When a pesticide application described in column A of Table 2 under
 5307 paragraph (c)(4) of this section takes place in a greenhouse, the agricultural employer shall not
 5308 allow or direct any person, other than an appropriately trained and equipped handler, to enter or
 5309 to remain in the area specified in column B of Table 2 until the time specified in column C of
 5310 Table 2 has expired.

5311 (2) After the time specified in column C of Table 2 under paragraph (c)(4) of this section
 5312 has expired, until the expiration of any restricted-entry interval, the agricultural employer shall
 5313 not allow or direct any worker to enter or to remain in the treated area as specified in column D
 5314 of Table 2 under paragraph (c)(4) of this section, except as provided in §170.112.

5315 (3) When column C of Table 2 under paragraph (c)(4) of this section specifies that
 5316 ventilation criteria must be met, ventilation shall continue until the air concentration is measured
 5317 to be equal to or less than the inhalation exposure level the labeling requires to be achieved. If no
 5318 inhalation exposure level is listed on the labeling, ventilation shall continue until after:

- 5319 (i) Ten air exchanges are completed; or
- 5320 (ii) Two hours of ventilation using fans or other mechanical ventilating systems; or
- 5321 (iii) Four hours of ventilation using vents, windows or other passive ventilation; or
- 5322 (iv) Eleven hours with no ventilation followed by 1 hour of mechanical ventilation; or

5323 (v) Eleven hours with no ventilation followed by 2 hours of passive ventilation; or

5324 (vi) Twenty-four hours with no ventilation.

5325 (4) The following Table 2 applies to paragraphs (c) (1), (2), and (3) of this section.

5326 **Table 2—Greenhouse Entry Restrictions Associated With Pesticide Applications**

A. When a Pesticide is Applied:	B. Workers are Prohibited in:	C. Until:	D. After the Expiration of Time in Column C Until the Restricted-Entry Interval Expires, the Entry-Restricted Area is:
(1) As a fumigant	Entire greenhouse plus any adjacent structure that cannot be sealed off from the treated area	The ventilation criteria of paragraph (c)(3) of this section are met	No entry restrictions after criteria in column C are met
(2) As a (i) Smoke, or (ii) Mist, or (iii) Fog, or (iv) Aerosol	Entire enclosed area	The ventilation criteria of paragraph (c)(3) of this section are met	Entire enclosed area is the treated area
(3) Not in 1 or 2 above, and for which a respiratory	Entire enclosed area	The ventilation criteria of	Treated area

protection device is required for application by the product labeling		paragraph (c)(3) of this section are met	
(4) Not in 1, 2, or 3 above, and: (i) From a height of greater than 12 in. from the planting medium, or (ii) As a fine spray, or (iii) Using a spray pressure greater than 40 psi	Treated area plus 25 feet in all directions in the enclosed area	Application is complete	Treated area
(5) Otherwise	Treated area	Application is complete	Treated area

5327

5328 **§170.112 Entry restrictions.**

5329 (a) *General restrictions.* (1) After the application of any pesticide on an agricultural
5330 establishment, the agricultural employer shall not allow or direct any worker to enter or to
5331 remain in the treated area before the restricted-entry interval specified on the pesticide labeling
5332 has expired, except as provided in this section.

5333 (2) Entry-restricted areas in greenhouses are specified in column D in table 2 under
5334 §170.110(c)(4).

5335 (3) When two or more pesticides are applied at the same time, the restricted-entry interval
5336 shall be the longest of the applicable intervals.

5337 (4) The agricultural employer shall assure that any worker who enters a treated area under a

5338 restricted-entry interval as permitted by paragraphs (c), (d), and (e) of this section uses the
5339 personal protective equipment specified in the product labeling for early-entry workers and
5340 follows any other requirements on the pesticide labeling regarding early entry.

5341 (b) *Exception for activities with no contact.* A worker may enter a treated area during a
5342 restricted-entry interval if the agricultural employer assures that both of the following are met:

5343 (1) The worker will have no contact with anything that has been treated with the pesticide to
5344 which the restricted-entry interval applies, including, but not limited to, soil, water, air, or
5345 surfaces of plants; and

5346 (2) No such entry is allowed until any inhalation exposure level listed in the labeling has
5347 been reached or any ventilation criteria established by §170.110(c)(3) or in the labeling have
5348 been met.

5349 (c) *Exception for short-term activities.* A worker may enter a treated area during a
5350 restricted-entry interval for short-term activities if the agricultural employer assures that the
5351 following requirements are met:

5352 (1) No hand labor activity is performed.

5353 (2) The time in treated areas under a restricted-entry interval for any worker does not
5354 exceed 1 hour in any 24-hour period.

5355 (3) No such entry is allowed for the first 4 hours following the end of the application, and
5356 no such entry is allowed thereafter until any inhalation exposure level listed in the labeling has
5357 been reached or any ventilation criteria established by §170.110(c)(3) or in the labeling have
5358 been met.

5359 (4) The personal protective equipment specified on the product labeling for early entry is
5360 provided to the worker. Such personal protective equipment shall conform to the following

5361 standards:

5362 (i) Personal protective equipment (PPE) means devices and apparel that are worn to protect
5363 the body from contact with pesticides or pesticide residues, including, but not limited to,
5364 coveralls, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear,
5365 respiratory protection devices, chemical-resistant aprons, chemical-resistant headgear, and
5366 protective eyewear.

5367 (ii) Long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, socks, and other
5368 items of work clothing are not considered personal protective equipment for the purposes of this
5369 section and are not subject to the requirements of this section, although pesticide labeling may
5370 require that such work clothing be worn during some activities.

5371 (iii) When “chemical-resistant” personal protective equipment is specified by the product
5372 labeling, it shall be made of material that allows no measurable movement of the pesticide being
5373 used through the material during use.

5374 (iv) When “waterproof” personal protective equipment is specified by the product labeling,
5375 it shall be made of material that allows no measurable movement of water or aqueous solutions
5376 through the material during use.

5377 (v) When a “chemical-resistant suit” is specified by the product labeling, it shall be a loose-
5378 fitting, one- or two-piece, chemical-resistant garment that covers, at a minimum, the entire body
5379 except head, hands, and feet.

5380 (vi) When “coveralls” are specified by the product labeling, they shall be a loose-fitting,
5381 one- or two-piece garment, such as a cotton or cotton and polyester coverall, that covers, at a
5382 minimum, the entire body except head, hands, and feet. The pesticide product labeling may
5383 specify that the coveralls be worn over a layer of clothing. If a chemical-resistant suit is

5384 substituted for coveralls, it need not be worn over a layer of clothing.

5385 (vii)(A) Gloves shall be of the type specified on the pesticide product labeling. Gloves made
5386 of leather, cotton, or other absorbent materials must not be worn for early-entry activities, unless
5387 gloves made of these materials are listed as acceptable for such use on the product labeling. If
5388 chemical-resistant gloves with sufficient durability and suppleness are not obtainable, leather
5389 gloves may be worn on top of chemical-resistant gloves. However, once leather gloves have been
5390 worn for this use, they shall not be worn thereafter for any other purpose, and they shall only be
5391 worn over chemical-resistant gloves.

5392 (B) Separable glove liners may be worn beneath chemical-resistant gloves, unless the
5393 pesticide product labeling specifically prohibits their use. Separable glove liners are defined as
5394 separate glove-like hand coverings made of lightweight material, with or without fingers. Work
5395 gloves made from lightweight cotton or poly-type material are considered to be glove liners if
5396 worn beneath chemical-resistant gloves. Separable glove liners may not extend outside the
5397 chemical-resistant gloves under which they are worn. Chemical-resistant gloves with non-
5398 separable absorbent lining materials are prohibited.

5399 (C) If used, separable glove liners must be discarded immediately after a total of no more
5400 than 10 hours of use or within 24 hours of when first put on, whichever comes first. The liners
5401 must be replaced immediately if directly contacted by pesticide. Used glove liners shall not be
5402 reused. Contaminated liners must be disposed of in accordance with any Federal, State, or local
5403 regulations.

5404 (viii) When “chemical-resistant footwear” is specified by the product labeling, it shall be
5405 one of the following types of footwear: chemical-resistant shoes, chemical-resistant boots, or
5406 chemical-resistant shoe coverings worn over shoes or boots. If chemical-resistant footwear with

5407 sufficient durability and a tread appropriate for wear in rough terrain is not obtainable for
5408 workers, then leather boots may be worn in such terrain.

5409 (ix) When “protective eyewear” is specified by the product labeling, it shall be one of the
5410 following types of eyewear: goggles; face shield; safety glasses with front, brow, and temple
5411 protection; or a full-face respirator.

5412 (x) When “chemical-resistant headgear” is specified by the product labeling, it shall be
5413 either a chemical-resistant hood or a chemical-resistant hat with a wide brim.

5414 (5) The agricultural employer shall assure that the worker, before entering the treated area,
5415 either has read the product labeling or has been informed, in a manner that the worker can
5416 understand, of all labeling requirements related to human hazards or precautions, first aid,
5417 symptoms of poisoning, personal protective equipment specified for early entry, and any other
5418 labeling requirements related to safe use.

5419 (6) The agricultural employer shall assure that:

5420 (i) Workers wear the personal protective equipment correctly for its intended purpose and
5421 use personal protective equipment according to manufacturer's instructions.

5422 (ii) Before each day of use, all personal protective equipment is inspected for leaks, holes,
5423 tears, or worn places, and any damaged equipment is repaired or discarded.

5424 (iii) Personal protective equipment that cannot be cleaned properly is disposed of in
5425 accordance with any applicable Federal, State, and local regulations.

5426 (iv) All personal protective equipment is cleaned according to manufacturer's instructions or
5427 pesticide product labeling instructions before each day of reuse. In the absence of any such
5428 instructions, it shall be washed thoroughly in detergent and hot water.

5429 (v) Before being stored, all clean personal protective equipment is dried thoroughly or is put

5430 in a well-ventilated place to dry.

5431 (vi) Personal protective equipment contaminated with pesticides is kept separately and
5432 washed separately from any other clothing or laundry.

5433 (vii) Any person who cleans or launders personal protective equipment is informed that
5434 such equipment may be contaminated with pesticides, of the potentially harmful effects of
5435 exposure to pesticides, and of the correct way(s) to handle and clean personal protective
5436 equipment and to protect themselves when handling equipment contaminated with pesticides.

5437 (viii) All clean personal protective equipment is stored separately from personal clothing
5438 and apart from pesticide-contaminated areas.

5439 (ix) Each worker is instructed how to put on, use, and remove the personal protective
5440 equipment and is informed about the importance of washing thoroughly after removing personal
5441 protective equipment.

5442 (x) Each worker is instructed in the prevention, recognition, and first aid treatment of heat-
5443 related illness.

5444 (xi) Workers have a clean place(s) away from pesticide-storage and pesticide-use areas for
5445 storing personal clothing not in use; putting on personal protective equipment at the start of any
5446 exposure period; and removing personal protective equipment at the end of any exposure period.

5447 (7) When personal protective equipment is required by the labeling of any pesticide for
5448 early entry, the agricultural employer shall assure that no worker is allowed or directed to
5449 perform the early-entry activity without implementing, when appropriate, measures to prevent
5450 heat-related illness.

5451 (8) During any early-entry activity, the agricultural employer shall provide a
5452 decontamination site in accordance with §170.150.

(9) The agricultural employer shall not allow or direct any worker to wear home or to take home personal protective equipment contaminated with pesticides.

(d) *Exception for an agricultural emergency.* (1) An “agricultural emergency” means a sudden occurrence or set of circumstances which the agricultural employer could not have anticipated and over which the agricultural employer has no control, and which requires entry into a treated area during a restricted-entry interval, when no alternative practices would prevent or mitigate a substantial economic loss. A substantial economic loss means a loss in profitability greater than that which would be expected based on the experience and fluctuations of crop yields in previous years. Only losses caused by the agricultural emergency specific to the affected site and geographic area are considered. The contribution of mismanagement cannot be considered in determining the loss.

(2) A worker may enter a treated area under a restricted-entry interval in an agricultural emergency to perform tasks, including hand labor tasks, necessary to mitigate the effects of the agricultural emergency, if the agricultural employer assures that all the following criteria are met:

(i) A State, Tribal, or Federal Agency having jurisdiction declares the existence of circumstances that could cause an agricultural emergency on that agricultural establishment.

(ii) The agricultural employer determines the agricultural establishment is subject to the circumstances declared under paragraph (d)(2)(i) of this section that result in an agricultural emergency meeting the criteria of paragraph (d)(1) of this section.

(iii) The requirements of paragraphs (c) (3) through (9) of this section are met.

(e) *Exception requiring Agency approval.* The Agency may, in accordance with paragraphs (e) (1) through (3) of this section, grant an exception from the requirements of this section. An

5476 exception may be withdrawn in accordance with paragraph (e)(6) of this section.

5477 (1) *Exception requiring agency approval.* A request for an exception must be submitted to
5478 the Office of Pesticide Programs' Document Processing Desk at the appropriate address as set
5479 forth in 40 CFR 150.17(a) or (b) and must be accompanied by two copies of the following
5480 information:

5481 (i) The name, address, and telephone number of the submitter.

5482 (ii) The time period for which the exception is requested.

5483 (iii) A description of the crop(s) and specific crop production task(s) for which the
5484 exception is requested. Such a description must include an explanation as to the necessity of
5485 applying pesticides of a type and at a frequency such that the restricted-entry interval would
5486 interfere with necessary and time-sensitive hand labor tasks for the period for which the
5487 exception is sought.

5488 (iv) A description of the geographic area for which the exception is requested. If the
5489 exception request is for a limited geographic area, the explanation must include a description as
5490 to why the circumstances of exposure or economic impact resulting from the prohibition of
5491 routine hand labor tasks during the restricted-entry interval are unique to the geographic area
5492 named in the exception.

5493 (v) An explanation as to why, for each requested crop-task combination, alternative
5494 practices would not be technically or financially viable. Such alternative practices might include:
5495 rescheduling the pesticide application or hand labor activity; using a non-chemical pest control
5496 alternative; using an alternative to the hand labor tasks, such as machine cultivation; or
5497 substituting a pesticide with a shorter restricted-entry interval. This information should include
5498 estimates or data on per acre revenue and cost of production for the crop and area for which the

exception is requested. These estimates or data should include: the situation prior to implementation of this final rule, the situation after implementation of this final rule if the exception is not granted, the situation after implementation of this final rule if the exception is granted, and specific information on individual factors which cause differences in revenues and costs among the three situations.

(vi) A description or documentation of the safety and feasibility of such an exception, including, but not limited to, the feasibility of performing the necessary hand labor activity while wearing the personal protective equipment required for early entry for the pesticide(s) expected to be applied, the means of mitigating heat-related illness concerns, the period of time required daily per worker to perform the hand labor activity, any suggested methods of reducing the worker's exposure, and any other mitigating factors, such as the availability of running water for routine and emergency decontamination and mechanical devices that would reduce the workers' contact with the treated surfaces. The information should include the costs associated with early-entry, such as decontamination facilities, special information and training for the workers, heat stress avoidance procedures, and provision, inspection, cleaning, and maintenance of personal protective equipment. EPA will not grant exceptions where the costs of early entry equal or exceed the expected loss in value of crop yield or quality.

(2) *Notice of receipt.* (i) When a request for an exception is submitted to the Agency along with all of the information required in paragraph (e)(1) of this section, the Agency shall issue a notice in the FEDERAL REGISTER stating that an exception is being considered, describing the nature of the exception, and allowing at least 30 days for interested parties to comment.

(ii) If a request for an exception is submitted to the Agency without all of the information required in paragraph (e)(1) of this section, the Agency shall return the request to the submitter.

5522 (3) *Exception decision.* EPA will publish in the FEDERAL REGISTER its decision whether to
5523 grant the request for exception. EPA will base its decision on whether the benefits of the
5524 exception outweigh the costs, including the value of the health risks attributable to the exception.
5525 If the exception is granted, the notice will state the nature of and reasons for the exception.

5526 (4) *Presumptive denial.* (i) Except as provided in paragraph (e)(4)(ii) of this section, persons
5527 requesting an exception may assume that the exception has been denied if EPA has not issued its
5528 decision whether to grant the exception within 9 months from the comment-closure date
5529 specified in the FEDERAL REGISTER notice in which the Agency announced, in accordance with
5530 paragraph (e)(2) of this section, that it would consider the exception.

5531 (ii) Persons requesting an exception may not assume that the request has been denied as
5532 provided by paragraph (e)(4)(i) of this section if the Agency has taken action to extend its review
5533 period for a specified time interval due to the complexity of the exception request or to the
5534 number of exception requests concurrently under Agency review. EPA shall state the reason(s)
5535 for the delay in issuing a decision on the exception request. A notice of such an action may be
5536 published in the FEDERAL REGISTER or persons who requested the exception may be directly
5537 notified of the action.

5538 (5) *Agricultural employer duties.* When a worker enters a treated area during a restricted-
5539 entry interval under an exception granted under paragraph (e) of this section, the agricultural
5540 employer shall assure that the requirements of paragraphs (c) (3) through (9) of this section are
5541 met, unless the notice granting the exception specifically indicates otherwise.

5542 (6) *Withdrawing an exception.* An exception may be withdrawn by the Agency at any time
5543 if the Agency receives poisoning information or other data that indicate that the health risks
5544 imposed by this early-entry exception are unacceptable or if the Agency receives other

information that indicates that the exception is no longer necessary or prudent. If the Agency determines that an exception should be withdrawn, it will publish a notice in the FEDERAL REGISTER, stating the basis for its determination. Affected parties would then have 30 days to request a hearing on the Agency's determination. The exception, however, would be discontinued as of the date specified by EPA in the notice, which may include any of the 30-day period and the time required for any subsequent hearing process. Thereafter the Agency will decide whether to withdraw the exception and will publish a notice in the FEDERAL REGISTER stating its decision.

(7) *List of exceptions granted by EPA.* The following administrative exceptions from the requirements of this section have been granted by EPA. Each exception listed in paragraph (e)(7) of this section contains a reference to the FEDERAL REGISTER notice in which EPA has granted the exception and the effective dates of the exception. The terms and conditions of the exception appear in the referenced FEDERAL REGISTER notice.

(i) Exception to perform irrigation tasks under specified conditions published in the FEDERAL REGISTER of May 3, 1995.

(ii) Exceptions to perform limited contact tasks under specified conditions published in the FEDERAL REGISTER of May 3, 1995.

[57 FR 38151, Aug. 21, 1992, as amended at 59 FR 30264, June 10, 1994; 60 FR 21954, May 3, 1995; 62 FR 52003, Oct. 3, 1997; 69 FR 53346, Sept. 1, 2004; 71 FR 35546, June 21, 2006; 73 FR 75598, Dec. 12, 2008]

§170.120 Notice of applications.

(a) *Notification to workers of pesticide applications in greenhouses.* The agricultural employer shall notify workers of any pesticide application in the greenhouse in accordance with this paragraph.

5568 (1) All pesticide applications shall be posted in accordance with paragraph (c) of this
5569 section.

5570 (2) If the pesticide product labeling has a statement requiring both the posting of treated
5571 areas and oral notification to workers, the agricultural employer shall also provide oral
5572 notification of the application to the worker in accordance with paragraph (d) of this section.

5573 (3) Notice need not be given to a worker if the agricultural employer can assure that one of
5574 the following is met:

5575 (i) From the start of the application until the end of the application and during any
5576 restricted-entry interval, the worker will not enter, work in, remain in, or pass through the
5577 greenhouse; or

5578 (ii) The worker applied (or supervised the application of) the pesticide for which the notice
5579 is intended and is aware of all information required by paragraphs (d)(1) through (3) of this
5580 section.

5581 (b) *Notification to workers on farms, in nurseries, or in forests of pesticide applications.*

5582 The agricultural employer shall notify workers of any pesticide application on the farm or in the
5583 nursery or forest in accordance with this paragraph.

5584 (1) If the pesticide product labeling has a statement requiring both the posting of treated
5585 areas and oral notification to workers, the agricultural employer shall post signs in accordance
5586 with paragraph (c) of this section and shall provide oral notification of the application to the
5587 worker in accordance with paragraph (d) of this section.

5588 (2) For any pesticide other than those for which the labeling requires both posting and oral
5589 notification of applications, the agricultural employer shall give notice of the application to the
5590 worker either by the posting of warning signs in accordance with paragraph (c) of this section or

orally in accordance with paragraph (d) of this section, and shall inform the workers as to which method of notification is in effect.

(3) Notice need not be given to a worker if the agricultural employer can assure that one of the following is met:

(i) From the start of the application until the end of the application and during any restricted-entry interval, the worker will not enter, work in, remain in, or pass through on foot the treated area or any area within $\frac{1}{4}$ mile of the treated area; or

(ii) The worker applied (or supervised the application of) the pesticide for which the notice is intended and is aware of all information required by (d)(1) through (3) of this section.

(c) *Posted warning signs.* The agricultural employer shall post warning signs in accordance with the following criteria:

(1) The warning sign shall have a background color that contrasts with red. The words “DANGER” and “PELIGRO,” plus “PESTICIDES” and “PESTICIDAS,” shall be at the top of the sign, and the words “KEEP OUT” and “NO ENTRE” shall be at the bottom of the sign. Letters for all words must be clearly legible. A circle containing an upraised hand on the left and a stern face on the right must be near the center of the sign. The inside of the circle must be red, except that the hand and a large portion of the face must be in a shade that contrasts with red. The length of the hand must be at least twice the height of the smallest letters. The length of the face must be only slightly smaller than the hand. Additional information such as the name of the pesticide and the date of application may appear on the warning sign if it does not detract from the appearance of the sign or change the meaning of the required information. A black-and-white example of a warning sign meeting these requirements, other than the size requirements, follows:



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5615 (2) The standard sign shall be at least 14 inches by 16 inches with letters at least 1 inch in
 5616 height. Farms and forests shall use the standard size sign unless a smaller sign is necessary
 5617 because the treated area is too small to accommodate a sign of this size. In nurseries and
 5618 greenhouses, the agricultural employer may, at any time, use a sign smaller than the standard size
 5619 sign. Whenever a small sign is used on any establishment, there are specific posting distances
 5620 depending on the size of the lettering and symbol on the sign. If a sign is used with DANGER
 5621 and PELIGRO in letters at least $\frac{7}{8}$ inch in height and the remaining letters at least $\frac{1}{2}$ inch in
 5622 height and a red circle at least 3 inches in diameter containing an upraised hand and a stern face,
 5623 the signs shall be no further than 50 feet apart. If a sign is used with DANGER and PELIGRO in
 5624 letters at least $\frac{7}{16}$ inch in height and the remaining letters at least $\frac{1}{4}$ inch in height and a red
 5625 circle at least $1\frac{1}{2}$ inches in diameter containing an upraised hand and a stern face, the signs shall
 5626 be no further than 25 feet apart. A sign with DANGER and PELIGRO in letters less than $\frac{7}{16}$ inch
 5627 in height or with any words in letters less than $\frac{1}{4}$ inch in height or a red circle smaller than $1\frac{1}{2}$

inches in diameter containing an upraised hand and a stern face will not satisfy the requirements of the rule. All signs must meet the requirements of paragraph (c)(1) of this section.

(3) The employer may replace the Spanish portion of the warning sign with a non-English language read by the largest group of workers who do not read English. The replacement sign must be in the same format as the original sign and be visible and legible.

(4) On farms and in forests and nurseries, the signs shall be visible from all usual points of worker entry to the treated area, including at least each access road, each border with any labor camp adjacent to the treated area, and each footpath and other walking route that enters the treated area. When there are no usual points of worker entry, signs shall be posted in the corners of the treated area or in any other location affording maximum visibility.

(5) In greenhouses, the signs shall be posted so they are visible from all usual points of worker entry to the treated area including each aisle or other walking route that enters the treated area. When there are no usual points of worker entry to the treated area, signs shall be posted in the corners of the treated area or in any other location affording maximum visibility.

(6) The signs shall:

(i) Be posted no sooner than 24 hours before the scheduled application of the pesticide.

(ii) Remain posted throughout the application and any restricted-entry interval.

(iii) Be removed within 3 days after the end of the application and any restricted-entry interval and before agricultural-worker entry is permitted, other than entry permitted by §170.112.

(7) The signs shall remain visible and legible during the time they are posted.

(8) When several contiguous areas are to be treated with pesticides on a rotating or sequential basis, the entire area may be posted. Worker entry, other than entry permitted by

§170.112, is prohibited for the entire area while the signs are posted.

(d) *Oral warnings.* The agricultural employer shall provide oral warnings to workers in a manner that the worker can understand. If a worker will be on the premises during the application, the warning shall be given before the application takes place. Otherwise, the warning shall be given at the beginning of the worker's first work period during which the application is taking place or the restricted-entry interval for the pesticide is in effect. The warning shall consist of:

(1) The location and description of the treated area.

(2) The time during which entry is restricted.

(3) Instructions not to enter the treated area until the restricted-entry interval has expired.

[57 FR 38151, Aug. 21, 1992, as amended at 61 FR 33207, June 26, 1996]

§170.122 Providing specific information about applications.

When workers are on an agricultural establishment and, within the last 30 days, a pesticide covered by this subpart has been applied on the establishment or a restricted-entry interval has been in effect, the agricultural employer shall display, in accordance with this section, specific information about the pesticide.

(a) *Location, accessibility, and legibility.* The information shall be displayed in the location specified for the pesticide safety poster in §170.135(d) and shall be accessible and legible, as specified in §170.135 (e) and (f).

(b) *Timing.* (1) If warning signs are posted for the treated area before an application, the specific application information for that application shall be posted at the same time or earlier.

(2) The information shall be posted before the application takes place, if workers will be on the establishment during application. Otherwise, the information shall be posted at the beginning

of any worker's first work period.

(3) The information shall continue to be displayed for at least 30 days after the end of the restricted-entry interval (or, if there is no restricted-entry interval, for at least 30 days after the end of the application) or at least until workers are no longer on the establishment, whichever is earlier.

(c) *Required information.* The information shall include:

(1) The location and description of the treated area.

(2) The product name, EPA registration number, and active ingredient(s) of the pesticide.

(3) The time and date the pesticide is to be applied.

(4) The restricted-entry interval for the pesticide.

§170.124 Notice of applications to handler employers.

Whenever handlers who are employed by a commercial pesticide handling establishment will be performing pesticide handling tasks on an agricultural establishment, the agricultural employer shall provide to the handler employer, or assure that the handler employer is aware of, the following information concerning any areas on the agricultural establishment that the handler may be in (or may walk within $\frac{1}{4}$ mile of) and that may be treated with a pesticide or that may be under a restricted-entry interval while the handler will be on the agricultural establishment:

(a) Specific location and description of any such areas; and

(b) Restrictions on entering those areas.

§170.130 Pesticide safety training for workers.

(a) *General requirement—(1) Agricultural employer assurance.* The agricultural employer shall assure that each worker, required by this section to be trained, has been trained according to this section during the last 5 years, counting from the end of the month in which the training was

5697 completed.

5698 (2) *Requirement for workers performing early-entry activities.* Before a worker enters a
5699 treated area on the agricultural establishment during a restricted-entry interval to perform early-
5700 entry activities permitted by §170.112 and contacts anything that has been treated with the
5701 pesticide to which the restricted-entry interval applies, including but not limited to, soil, water, or
5702 surfaces of plants, the agricultural employer shall assure that the worker has been trained.

5703 (3) *Requirements for other agricultural workers—(i) Information before entry.* Except as
5704 provided in paragraph (a)(2) of this section, before a worker enters any areas on the agricultural
5705 establishment where, within the last 30 days a pesticide to which this subpart applies has been
5706 applied or the restricted-entry interval for such pesticide has been in effect, the agricultural
5707 employer shall assure that the worker has been provided the pesticide safety information
5708 specified in paragraph (c) of this section, in a manner that agricultural workers can understand,
5709 such as by providing written materials or oral communication or by other means. The
5710 agricultural employer must be able to verify compliance with this requirement.

5711 (ii) *Training before the 6th day of entry.* Except as provided in paragraph (a)(2) of this
5712 section, before the 6th day that a worker enters any areas on the agricultural establishment
5713 where, within the last 30 days a pesticide to which this subpart applies has been applied or a
5714 restricted-entry interval for such pesticide has been in effect, the agricultural employer shall
5715 assure that the worker has been trained.

5716 (b) *Exceptions.* The following persons need not be trained under this section:

5717 (1) A worker who is currently certified as an applicator of restricted-use pesticides under
5718 part 171 of this chapter.

5719 (2) A worker who satisfies the training requirements of part 171 of this chapter.

5720 (3) A worker who satisfies the handler training requirements of §170.230(c).

5721 (4) A worker who is certified or licensed as a crop advisor by a program acknowledged as
5722 appropriate in writing by EPA or a State or Tribal lead agency for pesticide enforcement,
5723 provided that a requirement for such certification or licensing is pesticide safety training that
5724 includes all the information set out in §170.230(c)(4).

5725 (c) *Pesticide safety information.* The pesticide safety information required by paragraph
5726 (a)(3)(i) shall be presented to workers in a manner that the workers can understand. At a
5727 minimum, the following information shall be provided:

5728 (1) Pesticides may be on or in plants, soil, irrigation water, or drifting from nearby
5729 applications.

5730 (2) Prevent pesticides from entering your body by:

5731 (i) Following directions and/or signs about keeping out of treated or restricted areas.

5732 (ii) Washing before eating, drinking, using chewing gum or tobacco, or using the toilet.

5733 (iii) Wearing work clothing that protects the body from pesticide residues.

5734 (iv) Washing/showering with soap and water, shampoo hair, and put on clean clothes after
5735 work.

5736 (v) Washing work clothes separately from other clothes before wearing them again.

5737 (vi) Washing immediately in the nearest clean water if pesticides are spilled or sprayed on
5738 the body. As soon as possible, shower, shampoo, and change into clean clothes.

5739 (3) Further training will be provided within 5 days.

5740 (d) *Training programs.* (1) General pesticide safety information shall be presented to
5741 workers either orally from written materials or audiovisually. The information must be presented
5742 in a manner that the workers can understand (such as through a translator) using nontechnical

5743 terms. The presenter also shall respond to workers' questions.

5744 (2) The person who conducts the training shall meet at least one of the following criteria:

5745 (i) Be currently certified as an applicator of restricted-use pesticides under part 171 of this
5746 chapter; or

5747 (ii) Be currently designated as a trainer of certified applicators or pesticide handlers by a
5748 State, Federal, or Tribal agency having jurisdiction; or

5749 (iii) Have completed a pesticide safety train-the-trainer program approved by a State,
5750 Federal, or Tribal agency having jurisdiction; or

5751 (iv) Satisfy the training requirements in part 171 of this chapter or in §170.230(c).

5752 (3) Any person who issues an EPA-approved Worker Protection Standard worker training
5753 certificate must assure that the worker who receives the training certificate has been trained in
5754 accordance with paragraph (d)(4) of this section.

5755 (4) The training materials shall convey, at a minimum, the following information:

5756 (i) Where and in what form pesticides may be encountered during work activities.

5757 (ii) Hazards of pesticides resulting from toxicity and exposure, including acute and chronic
5758 effects, delayed effects, and sensitization.

5759 (iii) Routes through which pesticides can enter the body.

5760 (iv) Signs and symptoms of common types of pesticide poisoning.

5761 (v) Emergency first aid for pesticide injuries or poisonings.

5762 (vi) How to obtain emergency medical care.

5763 (vii) Routine and emergency decontamination procedures, including emergency eyeflushing
5764 techniques.

5765 (viii) Hazards from chemigation and drift.

(ix) Hazards from pesticide residues on clothing.

(x) Warnings about taking pesticides or pesticide containers home.

(xi) Requirements of this subpart designed to reduce the risks of illness or injury resulting from workers' occupational exposure to pesticides, including application and entry restrictions, the design of the warning sign, posting of warning signs, oral warnings, the availability of specific information about applications, and the protection against retaliatory acts.

(e) *Verification of training.* (1) Except as provided in paragraph (e)(2) of this section, if the agricultural employer assures that a worker possesses an EPA-approved Worker Protection Standard worker training certificate, then the requirements of paragraph (a) and (c) of this section will have been met.

(2) If the agricultural employer is aware or has reason to know that an EPA-approved Worker Protection Standard worker training certificate has not been issued in accordance with this section, or has not been issued to the worker bearing the certificate, or the training was completed more than 5 years before the beginning of the current month, a worker's possession of that certificate does not meet the requirements of paragraph (a) of this section.

[57 FR 38151, Aug. 21, 1992, as amended at 60 FR 21947, 21952, May 3, 1995; 73 FR 75598, Dec. 12, 2008]

§170.135 Posted pesticide safety information.

(a) *Requirement.* When workers are on an agricultural establishment and, within the last 30 days, a pesticide covered by this subpart has been applied on the establishment or a restricted-entry interval has been in effect, the agricultural employer shall display, in accordance with this section, pesticide safety information.

(b) *Pesticide safety poster.* A safety poster must be displayed that conveys, at a minimum,

5789 the following basic pesticide safety concepts:

5790 (1) Help keep pesticides from entering your body. At a minimum, the following points shall
5791 be conveyed:

5792 (i) Avoid getting on your skin or into your body any pesticides that may be on plants and
5793 soil, in irrigation water, or drifting from nearby applications.

5794 (ii) Wash before eating, drinking, using chewing gum or tobacco, or using the toilet.

5795 (iii) Wear work clothing that protects the body from pesticide residues (long-sleeved shirts,
5796 long pants, shoes and socks, and a hat or scarf).

5797 (iv) Wash/shower with soap and water, shampoo hair, and put on clean clothes after work.

5798 (v) Wash work clothes separately from other clothes before wearing them again.

5799 (vi) Wash immediately in the nearest clean water if pesticides are spilled or sprayed on the
5800 body. As soon as possible, shower, shampoo, and change into clean clothes.

5801 (vii) Follow directions about keeping out of treated or restricted areas.

5802 (2) There are Federal rules to protect workers and handlers, including a requirement for
5803 safety training.

5804 (c) *Emergency medical care information.* (1) The name, address, and telephone number of
5805 the nearest emergency medical care facility shall be on the safety poster or displayed close to the
5806 safety poster.

5807 (2) The agricultural employer shall inform workers promptly of any change to the
5808 information on emergency medical care facilities.

5809 (d) *Location.* (1) The information shall be displayed in a central location on the farm or in
5810 the nursery or greenhouse where it can be readily seen and read by workers.

5811 (2) The information shall be displayed in a location in or near the forest in a place where it

can be readily seen and read by workers and where workers are likely to congregate or pass by, such as at a decontamination site or an equipment storage site.

(e) *Accessibility*. Workers shall be informed of the location of the information and shall be allowed access to it.

(f) *Legibility*. The information shall remain legible during the time it is posted.

§170.150 Decontamination.

(a)(1) *Requirement*. The agricultural employer must provide decontamination supplies for workers in accordance with this section whenever:

(i) Any worker on the agricultural establishment is performing an activity in the area where a pesticide was applied or a restricted-entry interval (REI) was in effect within the last 30 days, and;

(ii) The worker contacts anything that has been treated with the pesticide, including, but not limited to soil, water, plants, plant surfaces, and plant parts.

(2) *Exception*. The 30-day time period established in paragraph (a)(1)(i) of this section shall not apply if the only pesticides used in the treated area are products with an REI of 4 hours or less on the label (but not a product without an REI on the label). When workers are in such treated areas, the agricultural employer shall provide decontamination supplies for not less than 7 days following the expiration of any applicable REI.

(b) *General conditions*. (1) The agricultural employer shall provide workers with enough water for routine washing and emergency eyeflushing. At all times when the water is available to workers, the employer shall assure that it is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed.

(2) When water stored in a tank is to be used for mixing pesticides, it shall not be used for

5835 decontamination or eyeflushing, unless the tank is equipped with properly functioning valves or
5836 other mechanisms that prevent movement of pesticides into the tank.

5837 (3) The agricultural employer shall provide soap and single-use towels in quantities
5838 sufficient to meet worker's needs.

5839 (4) To provide for emergency eyeflushing, the agricultural employer shall assure that at
5840 least 1 pint of water is immediately available to each worker who is performing early-entry
5841 activities permitted by §170.112 and for which the pesticide labeling requires protective
5842 eyewear. The eyeflush water shall be carried by the early-entry worker, or shall be on the vehicle
5843 the early-entry worker is using, or shall be otherwise immediately accessible.

5844 (c) *Location.* (1) The decontamination supplies shall be located together and be reasonably
5845 accessible to and not more than $\frac{1}{4}$ mile from where workers are working.

5846 (2) For worker activities performed more than $\frac{1}{4}$ mile from the nearest place of vehicular
5847 access:

5848 (i) The soap, single-use towels, and water may be at the nearest place of vehicular access.

5849 (ii) The agricultural employer may permit workers to use clean water from springs, streams,
5850 lakes, or other sources for decontamination at the remote work site, if such water is more
5851 accessible than the water located at the nearest place of vehicular access.

5852 (3) The decontamination supplies shall not be maintained in an area being treated with
5853 pesticides.

5854 (4) The decontamination supplies shall not be maintained in an area that is under a
5855 restricted-entry interval, unless the workers for whom the supplies are provided are performing
5856 early-entry activities permitted by §170.112 and involving contact with treated surfaces and the
5857 decontamination supplies would otherwise not be reasonably accessible to those workers.

(d) *Decontamination after early-entry activities.* At the end of any exposure period for workers engaged in early-entry activities permitted by §170.112 and involving contact with anything that has been treated with the pesticide to which the restricted-entry interval applies, including, but not limited to, soil, water, air, or surfaces of plants, the agricultural employer shall provide, at the site where the workers remove personal protective equipment, soap, clean towels, and a sufficient amount of water so that the workers may wash thoroughly.

[57 FR 38151, Aug. 21, 1992, as amended at 61 FR 33212, June 26, 1996]

§170.160 Emergency assistance.

If there is reason to believe that a person who is or has been employed on an agricultural establishment to perform tasks related to the production of agricultural plants has been poisoned or injured by exposure to pesticides used on the agricultural establishment, including, but not limited to, exposures from application, splash, spill, drift, or pesticide residues, the agricultural employer shall:

(a) Make available to that person prompt transportation from the agricultural establishment, including any labor camp on the agricultural establishment, to an appropriate emergency medical facility.

(b) Provide to that person or to treating medical personnel, promptly upon request, any obtainable information on:

(1) Product name, EPA registration number, and active ingredients of any product to which that person might have been exposed.

(2) Antidote, first aid, and other medical information from the product labeling.

(3) The circumstances of application or use of the pesticide on the agricultural establishment.

5881 (4) The circumstances of exposure of that person to the pesticide.

5882 **Subpart C—Standard for Pesticide Handlers**

5883 **§170.202 Applicability of this subpart.**

5884 Except as provided by §§170.203 and 170.204, this subpart applies when any pesticide is
5885 handled for use on an agricultural establishment.

5886 [60 FR 21952, May 3, 1995]

5887 **§170.203 Exceptions.**

5888 *Exceptions.* This subpart does not apply when any pesticide is handled for use on an
5889 agricultural establishment in the following circumstances:

5890 (a) For mosquito abatement, Mediterranean fruit fly eradication, or similar wide-area public
5891 pest control programs sponsored by governmental entities.

5892 (b) On livestock or other animals, or in or about animal premises.

5893 (c) On plants grown for other than commercial or research purposes, which may include
5894 plants in habitations, home fruit and vegetable gardens, and home greenhouses.

5895 (d) On plants that are in ornamental gardens, parks, and public or private lawns and grounds
5896 and that are intended only for aesthetic purposes or climatic modification.

5897 (e) In a manner not directly related to the production of agricultural plants, including, but
5898 not limited to, structural pest control, control of vegetation along rights-of-way and in other
5899 noncrop areas, and pasture and rangeland use.

5900 (f) For control of vertebrate pests.

5901 (g) As attractants or repellents in traps.

5902 (h) On the harvested portions of agricultural plants or on harvested timber.

5903 (i) For research uses of unregistered pesticides.

5904 [57 FR 38151, Aug. 21, 1992. Redesignated at 60 FR 21952, May 3, 1995]

5905 **§170.204 Exemptions.**

5906 The handlers listed in this section are exempt from the specified provisions of this subpart.

5907 (a) *Owners of agricultural establishments.* (1) The owner of an agricultural establishment is
5908 not required to provide to himself or members of his immediate family who are performing
5909 handling tasks on their own agricultural establishment the protections of:

5910 (i) Section 170.210(b) and (c).

5911 (ii) Section 170.222.

5912 (iii) Section 170.230.

5913 (iv) Section 170.232.

5914 (v) Section 170.234.

5915 (vi) Section 170.235.

5916 (vii) Section 170.240(e) through (g).

5917 (viii) Section 170.250.

5918 (ix) Section 170.260.

5919 (2) The owner of the agricultural establishment must provide the protections listed in
5920 paragraphs (a)(1) (i) through (ix) of this section to other handlers and other persons who are not
5921 members of his immediate family.

5922 (b) *Crop advisors.* (1) Provided that the conditions of paragraph (b)(2) of this section are
5923 met, a person who is certified or licensed as a crop advisor by a program acknowledged as
5924 appropriate in writing by EPA or a State or Tribal lead agency for pesticide enforcement, and
5925 persons performing crop advising tasks under such qualified crop advisor's direct supervision,
5926 are exempt from the provisions of:

5927 (i) Section 170.232.

5928 (ii) Section 170.240.

5929 (iii) Section 170.250.

5930 (iv) Section 170.260.

5931 A person is under the direct supervision of a crop advisor when the crop advisor exerts the
5932 supervisory controls set out in paragraphs (b)(2)(iv) and (v) of this section. Direct supervision
5933 does not require that the crop advisor be physically present at all times, but the crop advisor must
5934 be readily accessible to the employees at all times.

5935 (2) *Conditions of exemption.* (i) The certification or licensing program requires pesticide
5936 safety training that includes, at least, all the information in §170.230(c)(4).

5937 (ii) No entry into the treated area occurs until after application ends.

5938 (iii) Applies only when performing crop advising tasks in the treated area.

5939 (iv) The crop advisor must make specific determinations regarding the appropriate PPE,
5940 appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor
5941 must convey this information to each person under his direct supervision in a language that the
5942 person understands.

5943 (v) Before entering a treated area, the certified or licensed crop advisor must inform,
5944 through an established practice of communication, each person under his direct supervision of
5945 the pesticide products and active ingredient(s) applied, method of application, time of
5946 application, the restricted entry interval, which tasks to undertake, and how to contact the crop
5947 advisor.

5948 [60 FR 21953, May 3, 1995, as amended at 73 FR 75599, Dec. 12, 2008]

5949 **§170.210 Restrictions during applications.**

5950 (a) *Contact with workers and other persons.* The handler employer and the handler shall
5951 assure that no pesticide is applied so as to contact, either directly or through drift, any worker or
5952 other person, other than an appropriately trained and equipped handler.

5953 (b) *Handlers handling highly toxic pesticides.* The handler employer shall assure that any
5954 handler who is performing any handling activity with a product that has the skull and crossbones
5955 symbol on the front panel of the label is monitored visually or by voice communication at least
5956 every 2 hours.

5957 (c) *Fumigant applications in greenhouses.* The handler employer shall assure:

5958 (1) That any handler who handles a fumigant in a greenhouse, including a handler who
5959 enters the greenhouse before the acceptable inhalation exposure level or ventilation criteria have
5960 been met to monitor air levels or to initiate ventilation, maintains continuous visual or voice
5961 contact with another handler.

5962 (2) That the other handler has immediate access to the personal protective equipment
5963 required by the fumigant labeling for handlers in the event entry into the fumigated greenhouse
5964 becomes necessary for rescue.

5965 **§170.222 Providing specific information about applications.**

5966 When handlers (except those employed by a commercial pesticide handling establishment)
5967 are on an agricultural establishment and, within the last 30 days, a pesticide covered by this
5968 subpart has been applied on the establishment or a restricted-entry interval has been in effect, the
5969 handler employer shall display, in accordance with this section, specific information about the
5970 pesticide.

5971 (a) *Location, accessibility, and legibility.* The information shall be displayed in the same
5972 location specified for the pesticide safety poster in §170.235(d) of this part and shall be

5973 accessible and legible, as specified in §170.235(e) and (f) of this part.

5974 (b) *Timing.* (1) If warning signs are posted for the treated area before an application, the
5975 specific application information for that application shall be posted at the same time or earlier.

5976 (2) The information shall be posted before the application takes place, if handlers (except
5977 those employed by a commercial pesticide handling establishment) will be on the establishment
5978 during application. Otherwise, the information shall be posted at the beginning of any such
5979 handler's first work period.

5980 (3) The information shall continue to be displayed for at least 30 days after the end of the
5981 restricted-entry interval (or, if there is no restricted-entry interval, for at least 30 days after the
5982 end of the application) or at least until the handlers are no longer on the establishment,
5983 whichever is earlier.

5984 (c) *Required information.* The information shall include:

5985 (1) The location and description of the treated area.

5986 (2) The product name, EPA registration number, and active ingredient(s) of the pesticide.

5987 (3) The time and date the pesticide is to be applied.

5988 (4) The restricted-entry interval for the pesticide.

5989 **§170.224 Notice of applications to agricultural employers.**

5990 Before the application of any pesticide on or in an agricultural establishment, the handler
5991 employer shall provide the following information to any agricultural employer for the
5992 establishment or shall assure that any agricultural employer is aware of:

5993 (a) Specific location and description of the treated area.

5994 (b) Time and date of application.

5995 (c) Product name, EPA registration number, and active ingredient(s).

(d) Restricted-entry interval.

(e) Whether posting and oral notification are required.

(f) Any other product-specific requirements on the product labeling concerning protection of workers or other persons during or after application.

§170.230 Pesticide safety training for handlers.

(a) *Requirement.* Before any handler performs any handling task, the handler employer shall assure that the handler has been trained in accordance with this section during the last 5 years, counting from the end of the month in which the training was completed.

(b) *Exceptions.* The following persons need not be trained under this section:

(1) A handler who is currently certified as an applicator of restricted-use pesticides under part 171 of this chapter.

(2) A handler who satisfies the training requirements of part 171 of this chapter.

(3) A handler who is certified or licensed as a crop advisor by a program acknowledged as appropriate in writing by EPA or a State or Tribal lead agency for pesticide enforcement, provided that a requirement for such certification or licensing is pesticide safety training that includes all the information set out in §170.230(c)(4).

(c) *Training programs.* (1) General pesticide safety information shall be presented to handlers either orally from written materials or audiovisually. The information must be presented in a manner that the handlers can understand (such as through a translator). The presenter also shall respond to handlers' questions.

(2) The person who conducts the training shall meet at least one of the following criteria:

(i) Be currently certified as an applicator of restricted-use pesticides under part 171 of this chapter; or

6019 (ii) Be currently designated as a trainer of certified applicators or pesticide handlers by a
6020 State, Federal, or Tribal agency having jurisdiction; or

6021 (iii) Have completed a pesticide safety train-the-trainer program approved by a State,
6022 Federal, or Tribal agency having jurisdiction.

6023 (3) Any person who issues an EPA-approved Worker Protection Standard handler training
6024 certificate must assure that the handler who receives the training certificate has been trained in
6025 accordance with paragraph (c)(4) of this section.

6026 (4) The pesticide safety training materials must convey, at a minimum, the following
6027 information:

6028 (i) Format and meaning of information contained on pesticide labels and in labeling,
6029 including safety information such as precautionary statements about human health hazards.

6030 (ii) Hazards of pesticides resulting from toxicity and exposure, including acute and chronic
6031 effects, delayed effects, and sensitization.

6032 (iii) Routes by which pesticides can enter the body.

6033 (iv) Signs and symptoms of common types of pesticide poisoning.

6034 (v) Emergency first aid for pesticide injuries or poisonings.

6035 (vi) How to obtain emergency medical care.

6036 (vii) Routine and emergency decontamination procedures.

6037 (viii) Need for and appropriate use of personal protective equipment.

6038 (ix) Prevention, recognition, and first aid treatment of heat-related illness.

6039 (x) Safety requirements for handling, transporting, storing, and disposing of pesticides,
6040 including general procedures for spill cleanup.

6041 (xi) Environmental concerns such as drift, runoff, and wildlife hazards.

6042 (xii) Warnings about taking pesticides or pesticide containers home.

6043 (xiii) Requirements of this subpart that must be followed by handler employers for the
6044 protection of handlers and other persons, including the prohibition against applying pesticides in
6045 a manner that will cause contact with workers or other persons, the requirement to use personal
6046 protective equipment, the provisions for training and decontamination, and the protection against
6047 retaliatory acts.

6048 (d) *Verification of training.* (1) Except as provided in paragraph (d)(2) of this section, if the
6049 handler employer assures that a handler possesses an EPA-approved Worker Protection Standard
6050 handler training certificate, then the requirements of paragraph (a) of this section will have been
6051 met.

6052 (2) If the handler employer is aware or has reason to know that an EPA-approved Worker
6053 Protection Standard handler training certificate has not been issued in accordance with this
6054 section, or has not been issued to the handler bearing the certificate, or the handler training was
6055 completed more than 5 years before the beginning of the current month, a handler's possession of
6056 that certificate does not meet the requirements of paragraph (a) of this section.

6057 [57 FR 38151, Aug. 21, 1992, as amended at 60 FR 21953, May 3, 1995]

6058 **§170.232 Knowledge of labeling and site-specific information.**

6059 (a) *Knowledge of labeling information.* (1) The handler employer shall assure that before
6060 the handler performs any handling activity, the handler either has read the product labeling or has
6061 been informed in a manner the handler can understand of all labeling requirements related to safe
6062 use of the pesticide, such as signal words, human hazard precautions, personal protective
6063 equipment requirements, first aid instructions, environmental precautions, and any additional
6064 precautions pertaining to the handling activity to be performed.

(2) The handler employer shall assure that the handler has access to the product labeling information during handling activities.

(b) *Knowledge of site-specific information.* Whenever a handler who is employed by a commercial pesticide handling establishment will be performing pesticide handling tasks on an agricultural establishment, the handler employer shall assure that the handler is aware of the following information concerning any areas on the agricultural establishment that the handler may be in (or may walk within $\frac{1}{4}$ mile of) and that may be treated with a pesticide or that may be under a restricted-entry interval while the handler will be on the agricultural establishment:

(1) Specific location and description of any such areas; and

(2) Restrictions on entering those areas.

§170.234 Safe operation of equipment.

(a) The handler employer shall assure that before the handler uses any equipment for mixing, loading, transferring, or applying pesticides, the handler is instructed in the safe operation of such equipment, including, when relevant, chemigation safety requirements and drift avoidance.

(b) The handler employer shall assure that, before each day of use, equipment used for mixing, loading, transferring, or applying pesticides is inspected for leaks, clogging, and worn or damaged parts, and any damaged equipment is repaired or is replaced.

(c) Before allowing any person to repair, clean, or adjust equipment that has been used to mix, load, transfer, or apply pesticides, the handler employer shall assure that pesticide residues have been removed from the equipment, unless the person doing the cleaning, repairing, or adjusting is a handler employed by the agricultural or commercial pesticide handling establishment. If pesticide residue removal is not feasible, the handler employer shall assure that

the person who repairs, cleans, or adjusts such equipment is informed:

(1) That such equipment may be contaminated with pesticides.

(2) Of the potentially harmful effects of exposure to pesticides.

(3) Of the correct way to handle such equipment.

§170.235 Posted pesticide safety information.

(a) *Requirement.* When handlers (except those employed by a commercial pesticide handling establishment) are on an agricultural establishment and, within the last 30 days, a pesticide covered by this subpart has been applied on the establishment or a restricted-entry interval has been in effect, the handler employer shall display, in accordance with this section, pesticide safety information.

(b) *Pesticide safety poster.* A safety poster must be displayed that conveys, at a minimum, the following basic pesticide safety concepts:

(1) Help keep pesticides from entering your body. At a minimum, the following points shall be conveyed:

(i) Avoid getting on your skin or into your body any pesticides that may be on plants and soil, in irrigation water, or drifting from nearby applications.

(ii) Wash before eating, drinking, using chewing gum or tobacco, or using the toilet.

(iii) Wear work clothing that protects the body from pesticide residues (long-sleeved shirts, long pants, shoes and socks, and a hat or scarf).

(iv) Wash/shower with soap and water, shampoo hair, and put on clean clothes after work.

(v) Wash work clothes separately from other clothes before wearing them again.

(vi) Wash immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.

6111 (vii) Follow directions about keeping out of treated or restricted areas.

6112 (2) There are Federal rules to protect workers and handlers including a requirement for
6113 safety training.

6114 (c) *Emergency medical care information.* (1) The name, address, and telephone number of
6115 the nearest emergency medical care facility shall be on the safety poster or displayed close to the
6116 safety poster.

6117 (2) The handler employer shall inform handlers promptly of any change to the information
6118 on emergency medical care facilities.

6119 (d) *Location.* (1) The information shall be displayed in a central location on the farm or in
6120 the nursery or greenhouse where it can be readily seen and read by handlers.

6121 (2) The information shall be displayed in a location in or near the forest in a place where it
6122 can be readily seen and read by handlers and where handlers are likely to congregate or pass by,
6123 such as at a decontamination site or an equipment storage site.

6124 (e) *Accessibility.* Handlers shall be informed of the location of the information and shall be
6125 allowed access to it.

6126 (f) *Legibility.* The information shall remain legible during the time it is posted.

6127 **§170.240 Personal protective equipment.**

6128 (a) *Requirement.* Any person who performs tasks as a pesticide handler shall use the
6129 clothing and personal protective equipment specified on the labeling for use of the product.

6130 (b) *Definition.* (1) Personal protective equipment (PPE) means devices and apparel that are
6131 worn to protect the body from contact with pesticides or pesticide residues, including, but not
6132 limited to, coveralls, chemical-resistant suits, chemical-resistant gloves, chemical-resistant
6133 footwear, respiratory protection devices, chemical-resistant aprons, chemical-resistant headgear,

6134 and protective eyewear.

6135 (2) Long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, socks, and other
6136 items of work clothing are not considered personal protective equipment for the purposes of this
6137 section and are not subject to the requirements of this section, although pesticide labeling may
6138 require that such work clothing be worn during some activities.

6139 (c) *Provision.* When personal protective equipment is specified by the labeling of any
6140 pesticide for any handling activity, the handler employer shall provide the appropriate personal
6141 protective equipment in clean and operating condition to the handler.

6142 (1) When “chemical-resistant” personal protective equipment is specified by the product
6143 labeling, it shall be made of material that allows no measurable movement of the pesticide being
6144 used through the material during use.

6145 (2) When “waterproof” personal protective equipment is specified by the product labeling,
6146 it shall be made of material that allows no measurable movement of water or aqueous solutions
6147 through the material during use.

6148 (3) When a “chemical-resistant suit” is specified by the product labeling, it shall be a loose-
6149 fitting, one- or two-piece chemical-resistant garment that covers, at a minimum, the entire body
6150 except head, hands, and feet.

6151 (4) When “coveralls” are specified by the product labeling, they shall be a loose-fitting,
6152 one- or two-piece garment, such as a cotton or cotton and polyester coverall, that covers, at a
6153 minimum, the entire body except head, hands, and feet. The pesticide product labeling may
6154 specify that the coveralls be worn over another layer of clothing.

6155 (5)(i) Gloves shall be of the type specified on the pesticide product labeling. Gloves made
6156 of leather, cotton, or other absorbent materials may not be worn while mixing, loading, applying,

or otherwise handling pesticides, unless gloves made of these materials are listed as acceptable for such use on the product labeling.

(ii) Separable glove liners may be worn beneath chemical-resistant gloves, unless the pesticide product labeling specifically prohibits their use. Separable glove liners are defined as separate glove-like hand coverings, made of lightweight material, with or without fingers. Work gloves made from lightweight cotton or poly-type material are considered to be glove liners if worn beneath chemical-resistant gloves. Separable glove liners may not extend outside the chemical-resistant gloves under which they are worn. Chemical-resistant gloves with non-separable absorbent lining materials are prohibited.

(iii) If used, separable glove liners must be discarded immediately after a total of no more than 10 hours of use or within 24 hours of when first put on, whichever comes first. The liners must be replaced immediately if directly contacted by pesticide. Used glove liners shall not be reused. Contaminated liners must be disposed of in accordance with any Federal, State, or local regulations.

(6) When “chemical-resistant footwear” is specified by the product labeling, one of the following types of footwear must be worn:

(i) Chemical-resistant shoes.

(ii) Chemical-resistant boots.

(iii) Chemical-resistant shoe coverings worn over shoes or boots.

(7) When “protective eyewear” is specified by the product labeling, one of the following types of eyewear must be worn:

(i) Goggles.

(ii) Face shield.

6180 (iii) Safety glasses with front, brow, and temple protection.

6181 (iv) Full-face respirator.

6182 (8) When a “chemical-resistant apron” is specified by the product labeling, an apron that
6183 covers the front of the body from mid-chest to the knees shall be worn.

6184 (9) When a respirator is specified by the product labeling, it shall be appropriate for the
6185 pesticide product used and for the activity to be performed. The handler employer shall assure
6186 that the respirator fits correctly.

6187 (10) When “chemical-resistant headgear” is specified by the product labeling, it shall be
6188 either a chemical resistant hood or a chemical-resistant hat with a wide brim.

6189 (d) *Exceptions to personal protective equipment specified on product labeling*—(1) *Body*
6190 *protection.* (i) A chemical-resistant suit may be substituted for “coveralls,” and any requirement
6191 for an additional layer of clothing beneath is waived.

6192 (ii) A chemical-resistant suit may be substituted for “coveralls” and a chemical-resistant
6193 apron.

6194 (2) *Boots.* If chemical-resistant footwear with sufficient durability and a tread appropriate
6195 for wear in rough terrain is not obtainable, then leather boots may be worn in such terrain.

6196 (3) *Gloves.* If chemical-resistant gloves with sufficient durability and suppleness are not
6197 obtainable, then during handling activities with roses or other plants with sharp thorns, leather
6198 gloves may be worn over chemical-resistant glove liners. However, once leather gloves are worn
6199 for this use, thereafter they shall be worn only with chemical-resistant liners and they shall not be
6200 worn for any other use.

6201 (4) *Closed systems.* If handling tasks are performed using properly functioning systems that
6202 enclose the pesticide to prevent it from contacting handlers or other persons, and if such systems

6203 are used and are maintained in accordance with that manufacturer's written operating
6204 instructions, exceptions to labeling-specified personal protective equipment for the handling
6205 activity are permitted as provided in paragraphs (d)(4)(i) and (ii) of this section.

6206 (i) Persons using a closed system to mix or load pesticides with a signal word of DANGER
6207 or WARNING may substitute a long-sleeved shirt, long pants, shoes, socks, chemical-resistant
6208 apron, and any protective gloves specified on the labeling for handlers for the labeling-specified
6209 personal protective equipment.

6210 (ii) Persons using a closed system to mix or load pesticides other than those in paragraph
6211 (d)(4)(i) of this section or to perform other handling tasks may substitute a long-sleeved shirt,
6212 long pants, shoes, and socks for the labeling-specified personal protective equipment.

6213 (iii) Persons using a closed system that operates under pressure shall wear protective
6214 eyewear.

6215 (iv) Persons using a closed system shall have all labeling-specified personal protective
6216 equipment immediately available for use in an emergency.

6217 (5) *Enclosed cabs.* If handling tasks are performed from inside a cab that has a nonporous
6218 barrier which totally surrounds the occupants of the cab and prevents contact with pesticides
6219 outside of the cab, exceptions to personal protective equipment specified on the product labeling
6220 for that handling activity are permitted as provided in paragraphs (d)(5) (i) through (iv) of this
6221 section.

6222 (i) Persons occupying an enclosed cab may substitute a long-sleeved shirt, long pants,
6223 shoes, and socks for the labeling-specified personal protective equipment. If a respiratory
6224 protection device is specified on the pesticide product labeling for the handling activity, it must
6225 be worn.

(ii) Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer or by a governmental agency to provide respiratory protection equivalent to or greater than a dust/mist filtering respirator may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If a respiratory protection device other than a dust/mist-filtering respirator is specified on the pesticide product labeling, it must be worn.

(iii) Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer or by a governmental agency to provide respiratory protection equivalent to or greater than the vapor- or gas-removing respirator specified on pesticide product labeling may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If an air-supplying respirator or a self-contained breathing apparatus (SCBA) is specified on the pesticide product labeling, it must be worn.

(iv) Persons occupying an enclosed cab shall have all labeling-specified personal protective equipment immediately available and stored in a chemical-resistant container, such as a plastic bag. They shall wear such personal protective equipment if it is necessary to exit the cab and contact pesticide-treated surfaces in the treated area. Once personal protective equipment is worn in the treated area, it must be removed before reentering the cab.

(6) *Aerial application*—(i) *Use of gloves*. The wearing of chemical-resistant gloves when entering or leaving an aircraft used to apply pesticides is optional, unless such gloves are required on the pesticide product labeling. If gloves are brought into the cockpit of an aircraft

6249 that has been used to apply pesticides, the gloves shall be kept in an enclosed container to
6250 prevent contamination of the inside of the cockpit.

6251 (ii) *Open cockpit.* Persons occupying an open cockpit shall use the personal protective
6252 equipment specified in the product labeling for use during application, except that chemical-
6253 resistant footwear need not be worn. A helmet may be substituted for chemical-resistant
6254 headgear. A visor may be substituted for protective eyewear.

6255 (iii) *Enclosed cockpit.* Persons occupying an enclosed cockpit may substitute a long-sleeved
6256 shirt, long pants, shoes, and socks for labeling-specified personal protective equipment.

6257 (7) *Crop advisors.* Crop advisors entering treated areas while a restricted-entry interval is in
6258 effect may wear the personal protective equipment specified on the pesticide labeling for early-
6259 entry activities instead of the personal protective equipment specified on the pesticide labeling
6260 for handling activities, provided:

6261 (i) Application has been completed for at least 4 hours.

6262 (ii) Any inhalation exposure level listed in the labeling has been reached or any ventilation
6263 criteria established by §170.110(c)(3) or in the labeling have been met.

6264 (e) *Use of personal protective equipment.* (1) The handler employer shall assure that
6265 personal protective equipment is used correctly for its intended purpose and is used according to
6266 the manufacturer's instructions.

6267 (2) The handler employer shall assure that, before each day of use, all personal protective
6268 equipment is inspected for leaks, holes, tears, or worn places, and any damaged equipment is
6269 repaired or discarded.

6270 (f) *Cleaning and maintenance.* (1) The handler employer shall assure that all personal
6271 protective equipment is cleaned according to the manufacturer's instructions or pesticide product

labeling instructions before each day of reuse. In the absence of any such instructions, it shall be washed thoroughly in detergent and hot water.

(2) If any personal protective equipment cannot be cleaned properly, the handler employer shall dispose of the personal protective equipment in accordance with any applicable Federal, State, and local regulations. Coveralls or other absorbent materials that have been drenched or heavily contaminated with an undiluted pesticide that has the signal word DANGER or WARNING on the label shall be not be reused.

(3) The handler employer shall assure that contaminated personal protective equipment is kept separately and washed separately from any other clothing or laundry.

(4) The handler employer shall assure that all clean personal protective equipment shall be either dried thoroughly before being stored or shall be put in a well ventilated place to dry.

(5) The handler employer shall assure that all personal protective equipment is stored separately from personal clothing and apart from pesticide-contaminated areas.

(6) The handler employer shall assure that when dust/mist filtering respirators are used, the filters shall be replaced:

(i) When breathing resistance becomes excessive.

(ii) When the filter element has physical damage or tears.

(iii) According to manufacturer's recommendations or pesticide product labeling, whichever is more frequent.

(iv) In the absence of any other instructions or indications of service life, at the end of each day's work period.

(7) The handler employer shall assure that when gas- or vapor-removing respirators are used, the gas- or vapor-removing canisters or cartridges shall be replaced:

- 6295 (i) At the first indication of odor, taste, or irritation.
- 6296 (ii) According to manufacturer's recommendations or pesticide product labeling, whichever
6297 is more frequent.
- 6298 (iii) In the absence of any other instructions or indications of service life, at the end of each
6299 day's work period.
- 6300 (8) The handler employer shall inform any person who cleans or launders personal
6301 protective equipment:
- 6302 (i) That such equipment may be contaminated with pesticides.
- 6303 (ii) Of the potentially harmful effects of exposure to pesticides.
- 6304 (iii) Of the correct way(s) to clean personal protective equipment and to protect themselves
6305 when handling such equipment.
- 6306 (9) The handler employer shall assure that handlers have a clean place(s) away from
6307 pesticide storage and pesticide use areas where they may:
- 6308 (i) Store personal clothing not in use.
- 6309 (ii) Put on personal protective equipment at the start of any exposure period.
- 6310 (iii) Remove personal protective equipment at the end of any exposure period.
- 6311 (10) The handler employer shall not allow or direct any handler to wear home or to take
6312 home personal protective equipment contaminated with pesticides.
- 6313 (g) *Heat-related illness*. When the use of personal protective equipment is specified by the
6314 labeling of any pesticide for the handling activity, the handler employer shall assure that no
6315 handler is allowed or directed to perform the handling activity unless appropriate measures are
6316 taken, if necessary, to prevent heat-related illness.
- 6317 [57 FR 38151, Aug. 21, 1992, as amended at 69 FR 53346, Sept. 1, 2004]

6318 **§170.250 Decontamination.**

6319 (a) *Requirement.* During any handling activity, the handler employer shall provide for
6320 handlers, in accordance with this section, decontamination supplies for washing off pesticides
6321 and pesticide residues.

6322 (b) *General conditions.* (1) The handler employer shall provide handlers with enough water
6323 for routine washing, for emergency eye flushing, and for washing the entire body in case of an
6324 emergency. At all times when the water is available to handlers, the handler employer shall
6325 assure that it is of a quality and temperature that will not cause illness or injury when it contacts
6326 the skin or eyes or if it is swallowed.

6327 (2) When water stored in a tank is to be used for mixing pesticides, it shall not be used for
6328 decontamination or eye flushing, unless the tank is equipped with properly functioning valves or
6329 other mechanisms that prevent movement of pesticides into the tank.

6330 (3) The handler employer shall provide soap and single-use towels in quantities sufficient to
6331 meet handlers' needs.

6332 (4) The handler employer shall provide one clean change of clothing, such as coveralls, for
6333 use in an emergency.

6334 (c) *Location.* The decontamination supplies shall be located together and be reasonably
6335 accessible to and not more than $\frac{1}{4}$ mile from each handler during the handling activity.

6336 (1) *Exception for mixing sites.* For mixing activities, decontamination supplies shall be at
6337 the mixing site.

6338 (2) *Exception for pilots.* Decontamination supplies for a pilot who is applying pesticides
6339 aerially shall be in the airplane or at the aircraft loading site.

6340 (3) *Exception for handling pesticides in remote areas.* When handling activities are

6341 performed more than $\frac{1}{4}$ mile from the nearest place of vehicular access:

6342 (i) The soap, single-use towels, clean change of clothing, and water may be at the nearest
6343 place of vehicular access.

6344 (ii) The handler employer may permit handlers to use clean water from springs, streams,
6345 lakes, or other sources for decontamination at the remote work site, if such water is more
6346 accessible than the water located at the nearest place of vehicular access.

6347 (4) *Decontamination supplies in treated areas.* The decontamination supplies shall not be in
6348 an area being treated with pesticides or in an area under a restricted-entry interval, unless:

6349 (i) The decontamination supplies are in the area where the handler is performing handling
6350 activities;

6351 (ii) The soap, single-use towels, and clean change of clothing are in enclosed containers;
6352 and

6353 (iii) The water is running tap water or is enclosed in a container.

6354 (d) *Emergency eye flushing.* To provide for emergency eye flushing, the handler employer
6355 shall assure that at least 1 pint of water is immediately available to each handler who is
6356 performing tasks for which the pesticide labeling requires protective eyewear. The eye flush
6357 water shall be carried by the handler, or shall be on the vehicle or aircraft the handler is using, or
6358 shall be otherwise immediately accessible.

6359 (e) *Decontamination after handling activities.* At the end of any exposure period, the
6360 handler employer shall provide at the site where handlers remove personal protective equipment,
6361 soap, clean towels, and a sufficient amount of water so that the handlers may wash thoroughly.

6362 [57 FR 38151, Aug. 21, 1992, as amended at 61 FR 33213, June 26, 1996]

6363 **§170.260 Emergency assistance.**

If there is reason to believe that a person who is or has been employed by an agricultural establishment or commercial pesticide handling establishment to perform pesticide handling tasks has been poisoned or injured by exposure to pesticides as a result of that employment, including, but not limited to, exposures from handling tasks or from application, splash, spill, drift, or pesticide residues, the handler employer shall:

(a) Make available to that person prompt transportation from the place of employment or the handling site to an appropriate emergency medical facility.

(b) Provide to that person or to treating medical personnel, promptly upon request, any obtainable information on:

(1) Product name, EPA registration number, and active ingredients of any product to which that person might have been exposed.

(2) Antidote, first aid, and other medical information from the product labeling.

(3) The circumstances of handling of the pesticide.

(4) The circumstances of exposure of that person to the pesticide.

Subpart D – General Provisions

§170.301 Scope and purpose.

This regulation is intended to reduce the risks of illness or injury to workers and handlers resulting from occupational exposures to pesticides used in the production of agricultural plants on agricultural establishments. It requires agricultural employers and commercial pesticide handler employers to provide specific information and protections to workers, handlers and other persons when pesticides are used on agricultural establishments in the production of agricultural plants. It also requires handlers to wear the labeling-specified clothing and personal protective equipment when performing handler activities, and to take measures to protect workers and other

6387 persons during pesticide applications.

6388 **§170.303 Applicability of this part.**

6389 (a) This regulation applies whenever a pesticide product bearing a label requiring
6390 compliance with this part is used in the production of agricultural plants on an agricultural
6391 establishment, except as provided in paragraphs (b) and (c) of this section.

6392 (b) This regulation does not apply when a pesticide product bearing a label requiring
6393 compliance with this part is used on an agricultural establishment in any of the following
6394 circumstances:

6395 (1) As part of government-sponsored public pest control programs over which the owner,
6396 agricultural employer and handler employer have no control, such as mosquito abatement and
6397 Mediterranean fruit fly eradication programs.

6398 (2) On plants other than agricultural plants, which may include plants in home fruit and
6399 vegetable gardens and home greenhouses, and permanent plantings for ornamental purposes,
6400 such as plants that are in ornamental gardens, parks, public or private landscaping, lawns or other
6401 grounds that are intended only for aesthetic purposes or climatic modification.

6402 (3) For control of vertebrate pests, unless directly related to the production of an
6403 agricultural plant.

6404 (4) As attractants or repellents in traps.

6405 (5) On the harvested portions of agricultural plants or on harvested timber.

6406 (6) For research uses of unregistered pesticides.

6407 (7) On pasture and rangeland where the forage will not be harvested for hay.

6408 (8) In a manner not directly related to the production of agricultural plants, including, but
6409 not limited to structural pest control and control of vegetation in non-crop areas.

(c) Where a pesticide product's labeling-specific directions for use or other labeling requirements are inconsistent with requirements of this part, users must comply with the pesticide product labeling, except as provided for in §§170.601, 170.603 and 170.607.

§170.305 Definitions.

Terms used in this part have the same meanings they have in the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. In addition, the following terms, when used in this part, shall have the following meanings:

Agricultural employer means any person who is an owner of, or is responsible for the management or condition of, an agricultural establishment, and who employs any worker or handler.

Agricultural establishment means any farm, forest operation, or nursery engaged in the outdoor or enclosed space production of agricultural plants.

Agricultural plant means any plant, or part thereof, grown, maintained, or otherwise produced for commercial production.

Application exclusion zone means the area surrounding the application equipment that must be free of all persons other than appropriately trained and equipped handlers during pesticide applications.

Chemigation means the application of pesticides through irrigation systems.

Closed system means an engineering control used to protect handlers from pesticide exposure hazards when mixing and loading pesticides.

Commercial pesticide handler employer means any person, other than an agricultural employer, who employs any handler to perform handler activities on an agricultural establishment.

6433 *Commercial pesticide handling establishment* means any enterprise, other than an
6434 agricultural establishment, that provides pesticide handler or crop advising services to
6435 agricultural establishments.

6436 *Commercial production* means growing, maintaining or otherwise producing agricultural
6437 plants for sale or trade, for research or experimental purposes, or for use in their entirety in
6438 another location. Commercial production includes producing agricultural plants for use by the
6439 agricultural employer or agricultural establishment instead of purchasing the agricultural plants.

6440 *Crop advisor* means any person who is assessing pest numbers, damage, pesticide
6441 distribution, or the status or requirements of agricultural plants.

6442 *Early entry* means entry by a worker into a treated area on the agricultural establishment
6443 after a pesticide application is complete, but before any restricted-entry interval for the pesticide
6444 has expired.

6445 *Employ* means to obtain, directly or through a labor contractor, the services of a person in
6446 exchange for a salary or wages, including piece-rate wages, without regard to who may pay or
6447 who may receive the salary or wages. It includes obtaining the services of a self-employed
6448 person, an independent contractor, or a person compensated by a third party.

6449 *Enclosed cab* means a cab with a nonporous barrier that totally surrounds the occupant(s)
6450 of the cab and prevents dermal contact with pesticides that are being applied outside of the cab.

6451 *Enclosed space production* means production of an agricultural plant indoors or in a
6452 structure or space that is covered in whole or in part by any nonporous covering and that is large
6453 enough to permit a person to enter.

6454 *Farm* means any agricultural establishment, other than a nursery or forest operation,
6455 engaged in the outdoor or enclosed production of agricultural plants.

6456 *Forest operation* means an agricultural establishment engaged in the outdoor production
6457 of any agricultural plant to produce any wood fiber or timber products.

6458 *Fumigant* means any pesticide product that is a vapor or gas, or forms a vapor or gas
6459 upon application, and whose pesticidal action is achieved through the gaseous or vapor state.

6460 *Hand labor* means any agricultural activity performed by hand or with hand tools that
6461 causes a worker to have substantial contact with plants, plant parts, or soil and other surfaces that
6462 may contain pesticide residues, except that hand labor does not include operating, moving, or
6463 repairing irrigation or watering equipment or performing crop advisor tasks.

6464 *Handler* means any person, including a self-employed person, who is employed by an
6465 agricultural employer or commercial pesticide handler employer and performs any of the
6466 following activities:

6467 (1) Mixing, loading, or applying pesticides.

6468 (2) Disposing of pesticides.

6469 (3) Handling opened containers of pesticides, emptying, triple-rinsing, or cleaning
6470 pesticide containers according to pesticide product labeling instructions, or disposing of pesticide
6471 containers that have not been cleaned. The term does not include any person who is only
6472 handling unopened pesticide containers or pesticide containers that have been emptied or cleaned
6473 according to pesticide product labeling instructions.

6474 (4) Acting as a flagger.

6475 (5) Cleaning, adjusting, handling, or repairing the parts of mixing, loading, or application
6476 equipment that may contain pesticide residues.

6477 (6) Assisting with the application of pesticides.

6478 (7) Entering an enclosed space after the application of a pesticide and before the

6479 inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria
6480 established by §170.405(b)(3) or the labeling has been met to operate ventilation equipment,
6481 monitor air levels, or adjust or remove coverings used in fumigation.

6482 (8) Entering a treated area outdoors after application of any soil fumigant during the
6483 labeling-specified entry-restricted period to adjust or remove coverings used in fumigation.

6484 (9) Performing tasks as a crop advisor during any pesticide application or restricted-entry
6485 interval, or before the inhalation exposure level listed in the pesticide product labeling has been
6486 reached or one of the ventilation criteria established by §170.405(b)(3) or the pesticide product
6487 labeling has been met.

6488 *Handler employer* means any person who is self-employed as a handler or who employs
6489 any handler.

6490 *Immediate family* is limited to the spouse, parents, stepparents, foster parents, father-in-
6491 law, mother-in-law, children, stepchildren, foster children, sons-in-law, daughters-in-law,
6492 grandparents, grandchildren, brothers, sisters, brothers-in-law, and sisters-in-law.

6493 *Labor contractor* means a person who employs workers or handlers to perform tasks on
6494 an agricultural establishment for an agricultural employer or a commercial pesticide handler
6495 employer.

6496 *Nursery* means any agricultural establishment engaged in the outdoor or enclosed space
6497 production of any agricultural plant to produce cut flowers or foliage, ferns, plants, or seedlings
6498 that will be used in part or their entirety in another location. Such plants include, but are not
6499 limited to, flowering and foliage plants or trees; tree seedlings; live Christmas trees; vegetable,
6500 fruit, and ornamental transplants; and turf grass produced for sod.

6501 *Outdoor production* means production of an agricultural plant in an outside area that is

not enclosed or covered in any way that would obstruct the natural air flow typical of open fields, or in the case of forest operations, a natural forest.

Owner means any person who has a present possessory interest (e.g., fee, leasehold, rental, or other) in an agricultural establishment. A person who has both leased such agricultural establishment to another person and granted that same person the right and full authority to manage and govern the use of such agricultural establishment is not an owner for purposes of this part.

Personal protective equipment means devices and apparel that are worn to protect the body from contact with pesticides or pesticide residues, including, but not limited to, coveralls, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, respirators, chemical-resistant aprons, chemical-resistant headgear, and protective eyewear.

Restricted-entry interval means the time after the end of a pesticide application during which entry into the treated area is restricted.

Safety data sheet has the same meaning as the definition at 29 CFR 1900.1200(c).

Treated area means any area to which a pesticide is being directed or has been directed.

Use, as in "to use a pesticide" means any of the following:

(1) Pre-application activities, including, but not limited to:

(i) Arranging for the application of the pesticide.

(ii) Mixing and loading the pesticide.

(iii) Making necessary preparations for the application of the pesticide, including responsibilities related to worker notification, training of workers or handlers, providing decontamination supplies, providing pesticide safety information and pesticide application and hazard information, use and care of personal protective equipment, providing emergency

6525 assistance, and heat stress management.

6526 (2) Application of the pesticide.

6527 (3) Post-application activities intended to reduce the risks of illness and injury resulting
6528 from handlers' and workers' occupational exposures to pesticide residues during and after the
6529 restricted-entry interval, including responsibilities related to worker notification, training of
6530 workers or early-entry workers, providing decontamination supplies, providing pesticide safety
6531 information and pesticide application and hazard information, use and care of personal protective
6532 equipment, providing emergency assistance, and heat stress management.

6533 (4) Other pesticide-related activities, including, but not limited to, transporting or storing
6534 pesticides that have been opened, cleaning equipment, and disposing of excess pesticides, spray
6535 mix, equipment wash waters, pesticide containers, and other pesticide-containing materials.

6536 *Worker* means any person, including a self-employed person, who is employed and
6537 performs activities directly relating to the production of agricultural plants on an agricultural
6538 establishment.

6539 *Worker housing area* means any place or area of land on or near an agricultural
6540 establishment where housing or space for housing is provided for workers or handlers by an
6541 agricultural employer, owner, labor contractor, or any other person responsible for the
6542 recruitment or employment of agricultural workers.

6543 **§170.309 Agricultural employer duties.**

6544 Agricultural employers must:

6545 (a) Ensure that any pesticide is used in a manner consistent with the pesticide product
6546 labeling, including the requirements of this part, when applied on the agricultural establishment.

6547 (b) Ensure that each worker and handler subject to this part receives the protections

6548 required by this part.

6549 (c) Ensure that any handler and any early entry worker is at least 18 years old.

6550 (d) Provide to each person, including labor contractors, who supervises any workers or
6551 handlers information and directions sufficient to ensure that each worker and handler receives
6552 the protections required by this part. Such information and directions must specify the tasks for
6553 which the supervisor is responsible in order to comply with the provisions of this part.

6554 (e) Require each person, including labor contractors, who supervises any workers or
6555 handlers to provide sufficient information and directions to each worker and handler to ensure
6556 that they can comply with the provisions of this part.

6557 (f) Provide emergency assistance in accordance with this paragraph. If there is reason to
6558 believe that a worker or handler has experienced a potential pesticide exposure during his or her
6559 employment on the agricultural establishment or shows symptoms similar to those associated
6560 with acute exposure to pesticides during or within 72 hours after his or her employment on the
6561 agricultural establishment, and needs emergency medical treatment, the agricultural employer
6562 must do all of the following promptly after learning of the possible poisoning or injury:

6563 (1) Make available to that person transportation from the agricultural establishment,
6564 including any worker housing area on the establishment, to an operating medical care facility
6565 capable of providing emergency medical treatment to a person exposed to pesticides.

6566 (2) Provide all of the following information to the treating medical personnel:

6567 (i) Copies of the applicable safety data sheet(s) and the product name(s), EPA registration
6568 number(s) and active ingredient(s) for each pesticide product to which the person may have been
6569 exposed.

6570 (ii) The circumstances of application or use of the pesticide on the agricultural

6571 establishment.

6572 (iii) The circumstances that could have resulted in exposure to the pesticide.

6573 (g) Ensure that workers or other persons employed by the agricultural establishment do
6574 not clean, repair, or adjust pesticide application equipment, unless trained as a handler under
6575 § 170.501. Before allowing any person not directly employed by the agricultural establishment to
6576 clean, repair, or adjust equipment that has been used to mix, load, transfer, or apply pesticides,
6577 the agricultural employer must provide all of the following information to such person:

6578 (1) Pesticide application equipment may be contaminated with pesticides.

6579 (2) The potentially harmful effects of exposure to pesticides.

6580 (3) Procedures for handling pesticide application equipment and for limiting exposure to
6581 pesticide residues.

6582 (4) Personal hygiene practices and decontamination procedures for preventing pesticide
6583 exposures and removing pesticide residues.

6584 (h) Display pesticide safety information and pesticide application and hazard information
6585 in accordance with § 170.311 if workers or handlers are on the establishment and within the last
6586 30 days a pesticide product has been used or a restricted-entry interval for such pesticide has
6587 been in effect on the establishment.

6588 (i) Ensure that before a handler uses any equipment for mixing, loading, transferring, or
6589 applying pesticides, the handler is instructed in the safe operation of such equipment.

6590 (j) Ensure that before each day of use, equipment used for mixing, loading, transferring,
6591 or applying pesticides is inspected for leaks, clogging, and worn or damaged parts, and any
6592 damaged equipment is repaired or replaced.

6593 (k) Ensure that whenever handlers employed by a commercial pesticide handling

establishment will be on an agricultural establishment, the handler employer is provided information about, or is aware of, the specific location and description of any treated areas on the agricultural establishment where a restricted-entry interval is in effect that the handler may be in (or may walk within $\frac{1}{4}$ mile of), and any restrictions on entering those areas.

(l) Ensure that workers do not enter any area on the agricultural establishment where a pesticide has been applied until the applicable pesticide application and hazard information for each pesticide product applied to that area is displayed in accordance with §170.311(b), and until after the restricted-entry interval has expired and all treated area warning signs have been removed or covered, except for entry permitted by §170.603 of this part.

(m) Provide any records or other information required by this part for inspection and copying upon request by an employee of EPA or any duly authorized representative of a Federal, State or Tribal government agency responsible for pesticide enforcement.

§170.311 Display requirements for pesticide safety information and pesticide application and hazard information.

(a) *Display of Pesticide Safety Information.* Whenever pesticide safety information and pesticide application and hazard information are required to be provided under §170.309(h), pesticide safety information must be displayed in accordance with this paragraph.

(1) *General.* The pesticide safety information must be conveyed in a manner that workers and handlers can understand.

(2) *Content prior to [Insert date: two years from the effective date of the final rule].*
Prior to [Insert date: two years from the effective date of the final rule] the safety information must include all of the following points:

(i) Help keep pesticides from entering your body. Avoid getting on your skin or into your

6617 body any pesticides that may be on plants and soil, in irrigation water, or drifting from nearby
6618 applications.

6619 (ii) Wash before eating, drinking, using chewing gum or tobacco, or using the toilet.

6620 (iii) Wear work clothing that protects the body from pesticide residues (long-sleeved
6621 shirts, long pants, shoes and socks, and a hat or scarf).

6622 (iv) Wash or shower with soap and water, shampoo hair, and put on clean clothes after
6623 work.

6624 (v) Wash work clothes separately from other clothes before wearing them again.

6625 (vi) Wash immediately in the nearest clean water if pesticides are spilled or sprayed on
6626 the body. As soon as possible, shower, shampoo, and change into clean clothes.

6627 (vii) Follow directions about keeping out of treated or restricted areas.

6628 (viii) The name, address, and telephone number of a nearby operating medical care
6629 facility capable of providing emergency medical treatment. This information must be clearly
6630 identified as emergency medical contact information on the display.

6631 (ix) There are Federal rules to protect workers and handlers, including a requirement for
6632 safety training.

6633 (3) *Content after [Insert date: two years from the effective date of the final rule].* After
6634 **[Insert date: two years from the effective date of the final rule]** the pesticide safety
6635 information must include all of the points in §170.311(a)(3)(i)-(x) instead of the points listed in
6636 §170.311(a)(2)(i)-(ix).

6637 (i) Avoid getting on the skin or into the body any pesticides that may be on or in plants,
6638 soil, irrigation water, tractors, and other equipment, on used personal protective equipment, or
6639 drifting from nearby applications.

(ii) Wash before eating, drinking, using chewing gum or tobacco, or using the toilet.

(iii) Wear work clothing that protects the body from pesticide residues (long-sleeved shirts, long pants, shoes and socks, and a hat or scarf).

(iv) Wash or shower with soap and water, shampoo hair, and put on clean clothes after work.

(v) Wash work clothes separately from other clothes before wearing them again.

(vi) If pesticides are spilled or sprayed on the body use decontamination supplies to wash immediately, or rinse off in the nearest clean water, such as springs, streams, lake or other sources if more readily available than decontamination supplies, and as soon as possible, wash or shower with soap and water, shampoo hair, and change into clean clothes.

(vii) Follow directions about keeping out of treated areas and application exclusion zones.

(viii) Instructions to employees to seek medical attention as soon as possible if they believe they have been poisoned, injured or made ill by pesticides.

(ix) The name, address, and telephone number of a nearby operating medical care facility capable of providing emergency medical treatment. This information must be clearly identified as emergency medical contact information on the display.

(x) The name, address and telephone number of the State or Tribal pesticide regulatory agency.

(4) *Changes to pesticide safety information.* The agricultural employer must update the pesticide safety information display within 24 hours of notice of any changes to the information required in §§170.311(a)(2)(viii) or 170.311(a)(3)(ix).

(5) *Location.* The pesticide safety information must be displayed at each of the following

6663 sites on the agricultural establishment:

6664 (i) The site selected pursuant to §170.311(b)(2) for display of pesticide application and
6665 hazard information.

6666 (ii) Anywhere that decontamination supplies must be provided on the agricultural
6667 establishment pursuant to §§170.411, 170.509 or 170.605, but only when the decontamination
6668 supplies are located at permanent sites or being provided at locations and in quantities to meet
6669 the requirements for 11 or more workers or handlers.

6670 (6) *Accessibility*. When pesticide safety information is required to be displayed, workers
6671 and handlers must be allowed access to the pesticide safety information at all times during
6672 normal work hours.

6673 (7) *Legibility*. The pesticide safety information must remain legible at all times when the
6674 information is required to be displayed.

6675 (b) *Keeping and displaying pesticide application and hazard information*. Whenever
6676 pesticide safety information and pesticide application and hazard information is required to be
6677 provided under §170.309(h), pesticide application and hazard information for any pesticides that
6678 are used on the agricultural establishment must be displayed in accordance with this paragraph.

6679 (1) *Content*. The pesticide application and hazard information must include all of the
6680 following information for each pesticide product applied:

6681 (i) A copy of the safety data sheet.

6682 (ii) The name, EPA registration number, and active ingredient(s) of the pesticide product.

6683 (iii) The crop or site treated and the location and description of the treated area.

6684 (iv) The date(s) and times the application started and ended.

6685 (v) The duration of the applicable labeling-specified restricted-entry interval for that

6686 application.

6687 (2) *Location*. The pesticide application and hazard information must be displayed at a
6688 place on the agricultural establishment where workers and handlers are likely to pass by or
6689 congregate and where it can be readily seen and read.

6690 (3) *Accessibility*. When the pesticide application and hazard information is required to be
6691 displayed, workers and handlers must be allowed access to the information at all times during
6692 normal work hours.

6693 (4) *Legibility*. The pesticide application and hazard information must remain legible at all
6694 times when the information is required to be displayed.

6695 (5) *Timing*. The pesticide application and hazard information for each pesticide product
6696 applied must be displayed no later than 24 hours after the end of the application of the pesticide.
6697 The pesticide application and hazard information must be displayed continuously from the
6698 beginning of the display period at least until 30 days after the end of the last applicable
6699 restricted-entry interval, or until workers or handlers are no longer on the establishment,
6700 whichever is earlier.

6701 (6) *Record retention and accessibility*. Whenever pesticide safety information and
6702 pesticide application and hazard information is required to be displayed in accordance with this
6703 paragraph (b), the agricultural employer must maintain the pesticide application and hazard
6704 information described in §170.311(b)(1) on the agricultural establishment for two years after the
6705 date of expiration of the restricted-entry interval applicable to the pesticide application
6706 conducted, and promptly make the information available upon request to:

6707 (i) Any worker or handler who is or has been employed by the agricultural establishment
6708 during the period that records were required to be kept.

6709 (ii) Any treating medical personnel, or any person acting under the direction of treating
6710 medical personnel, requesting access to the information to provide treatment to a worker or
6711 handler who was employed on the establishment during the period that the information was
6712 required to be displayed in accordance with this paragraph (b).

6713

6714 **§170.313 Commercial pesticide handler employer duties.**

6715 Commercial pesticide handler employers must:

6716 (a) Ensure that any pesticide is used in a manner consistent with the pesticide product
6717 labeling, including the requirements of this part, when applied on an agricultural establishment.

6718 (b) Ensure each handler subject to this part receives the protections required by this part.

6719 (c) Ensure that any handler is at least 18 years old.

6720 (d) Provide to each person, including labor contractors, who supervises any handlers
6721 information and directions sufficient to ensure that each handler receives the protections required
6722 by this part. Such information and directions must specify the tasks for which the supervisor is
6723 responsible in order to comply with the provisions of this part.

6724 (e) Require each person, including labor contractors, who supervises any handlers to
6725 provide sufficient information and directions to each handler to ensure that the handler can
6726 comply with the provisions of this part.

6727 (f) Ensure that before any handler uses any equipment for mixing, loading, transferring,
6728 or applying pesticides, the handler is instructed in the safe operation of such equipment.

6729 (g) Ensure that, before each day of use, equipment used for mixing, loading, transferring,
6730 or applying pesticides is inspected for leaks, obstructions, and worn or damaged parts, and any
6731 damaged equipment is repaired or is replaced.

(h) Ensure that whenever a handler who is employed by a commercial pesticide handling establishment will be on an agricultural establishment, the handler is provided information about, or is aware of, the specific location and description of any treated areas where a restricted-entry interval is in effect, and the restrictions on entering those areas.

(i) Provide the agricultural employer all of the following information before the application of any pesticide on an agricultural establishment:

(1) Specific location(s) and description of the area(s) to be treated.

(2) The date(s) and start and estimated end times of application.

(3) Product name, EPA registration number, and active ingredient(s).

(4) The labeling-specified restricted-entry interval applicable for the application.

(5) Whether posting, oral notification or both are required under §170.409.

(6) Any restrictions or use directions on the pesticide product labeling that must be followed for protection of workers, handlers, or other persons during or after application.

(j) If there are any changes to the information provided in §170.313(i)(1), §170.313(i)(4), §170.313(i)(5), §170.313(i)(6) or if the start time for the application will be earlier than originally forecasted or scheduled, ensure that the agricultural employer is provided updated information prior to the application. If there are any changes to any other information provided pursuant to §170.313(i), the commercial pesticide handler employer must provide updated information to the agricultural employer within two hours after completing the application. Changes to the estimated application end time of less than one hour need not be reported to the agricultural employer.

(k) Provide emergency assistance in accordance with this paragraph. If there is reason to believe that a handler has experienced a potential pesticide exposure during his or her

6755 employment by the commercial pesticide handling establishment or shows symptoms similar to
6756 those associated with acute exposure to pesticides during or within 72 hours after his or her
6757 employment by the commercial pesticide handling establishment, and needs emergency medical
6758 treatment, the commercial pesticide handler employer must do all of the following promptly after
6759 learning of the possible poisoning or injury:

6760 (1) Make available to that person transportation from the commercial pesticide handling
6761 establishment, or any agricultural establishment on which that handler may be working on behalf
6762 of the commercial pesticide handling establishment, to an operating medical care facility capable
6763 of providing emergency medical treatment to a person exposed to pesticides.

6764 (2) Provide all of the following information to the treating medical personnel:

6765 (i) Copies of the applicable safety data sheet(s) and the product name(s), EPA registration
6766 number(s) and active ingredient(s) for each pesticide product to which the person may have been
6767 exposed.

6768 (ii) The circumstances of application or use of the pesticide.

6769 (iii) The circumstances that could have resulted in exposure to the pesticide.

6770 (1) Ensure that persons directly employed by the commercial pesticide handling
6771 establishment do not clean, repair, or adjust pesticide application equipment, unless trained as a
6772 handler under §170.501. Before allowing any person not directly employed by the commercial
6773 pesticide handling establishment to clean, repair, or adjust equipment that has been used to mix,
6774 load, transfer, or apply pesticides, the commercial pesticide handler employer must provide all of
6775 the following information to such persons:

6776 (1) Notice that the pesticide application equipment may be contaminated with pesticides.

6777 (2) The potentially harmful effects of exposure to pesticides.

(3) Procedures for handling pesticide application equipment and for limiting exposure to pesticide residues.

(4) Personal hygiene practices and decontamination procedures for preventing pesticide exposures and removing pesticide residues.

(m) Provide any records or other information required by this part for inspection and copying upon request by an employee of EPA or any duly authorized representative of a Federal, State or Tribal government agency responsible for pesticide enforcement.

§170.315 Prohibited actions.

No agricultural employer, commercial pesticide handler employer, or other person involved in the use of a pesticide to which this part applies, shall intimidate, threaten, coerce, or discriminate against any worker or handler for complying with or attempting to comply with this part, or because the worker or handler provided, caused to be provided or is about to provide information to the employer or the EPA or any duly authorized representative of a Federal, State or Tribal government regarding conduct that the worker or handler reasonably believes violates this part, has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing concerning compliance with this part, or has objected to, or refused to participate in, any activity, policy, practice, or assigned task that the worker or handler reasonably believed to be in violation of this part. Any such intimidation, threat, coercion, or discrimination violates FIFRA section 12(a)(2)(G), 7 U.S.C. 136j(a)(2)(G).

§170.317 Violations of this part.

6801

6802 (a) Under FIFRA section 12(a)(2)(G), it is unlawful for any person “to use any registered
6803 pesticide in a manner inconsistent with its labeling.” When this part is referenced on a label,
6804 users must comply with all of its requirements, except those that are inconsistent with product-
6805 specific instructions on the pesticide product labeling, except as provided for in §§170.601,
6806 170.603 and 170.607.

6807 (b) A person who has a duty under this part, as referenced on the pesticide product
6808 labeling, and who fails to perform that duty, violates FIFRA section 12(a)(2)(G) and is subject to
6809 a civil penalty under section 14. A person who knowingly violates section 12(a)(2)(G) is subject
6810 to section 14 criminal sanctions.

6811 (c) FIFRA section 14(b)(4) provides that a person is liable for a penalty under FIFRA if
6812 another person employed by or acting for that person violates any provision of FIFRA. The term
6813 "acting for" includes both employment and contractual relationships, including, but not limited
6814 to, labor contractors.

6815 (d) The requirements of this part, including the decontamination requirements, must not,
6816 for the purposes of section 653(b)(1) of Title 29 of the U.S. Code, be deemed to be the exercise
6817 of statutory authority to prescribe or enforce standards or regulations affecting the general
6818 sanitary hazards addressed by the OSHA Field Sanitation Standard, 29 CFR 1928.110, or other
6819 agricultural non-pesticide hazards.

6820

6821 **Subpart E – Requirements for Protection of Agricultural Workers**

6822

6823 **§170.401 Training requirements for workers.**

6824

6825 (a) *General requirement.* Before any worker performs any task in a treated area on an
6826 agricultural establishment where within the last 30 days a pesticide product has been used or a
6827 restricted-entry interval for such pesticide has been in effect, the agricultural employer must
6828 ensure that each worker has been trained in accordance with this section within the last 12
6829 months, except as provided in paragraph (b) of this section.

6830 (b) *Exceptions.* The following workers need not be trained under this section:

6831 (1) A worker who is currently certified as an applicator of restricted use pesticides under
6832 part 171 of this chapter.

6833 (2) A worker who has satisfied the handler training requirements in § 170.501.

6834 (3) A worker who is certified or licensed as a crop advisor by a program acknowledged as
6835 appropriate in writing by EPA or the State or Tribal agency responsible for pesticide
6836 enforcement, provided that such certification or licensing requires pesticide safety training that
6837 includes all the topics in §170.501(c)(2) or §170.501(c)(3) as applicable depending on the date of
6838 training.

6839 (c) *Training programs.* (1) Pesticide safety training must be presented to workers either
6840 orally from written materials or audio-visually, at a location that is reasonably free from
6841 distraction and conducive to training. All training materials must be EPA-approved. The training
6842 must be presented in a manner that the workers can understand, such as through a translator. The
6843 training must be conducted by a person who meets the worker trainer requirements of paragraph
6844 (c)(4) of this section, and who must be present during the entire training program and must
6845 respond to workers' questions.

6846 (2) The training must include, at a minimum, all of the following topics:

- 6847 (i) Where and in what form pesticides may be encountered during work activities.
- 6848 (ii) Hazards of pesticides resulting from toxicity and exposure, including acute and
6849 chronic effects, delayed effects, and sensitization.
- 6850 (iii) Routes through which pesticides can enter the body.
- 6851 (iv) Signs and symptoms of common types of pesticide poisoning.
- 6852 (v) Emergency first aid for pesticide injuries or poisonings.
- 6853 (vi) How to obtain emergency medical care.
- 6854 (vii) Routine and emergency decontamination procedures, including emergency eye
6855 flushing techniques.
- 6856 (viii) Hazards from chemigation and drift.
- 6857 (ix) Hazards from pesticide residues on clothing.
- 6858 (x) Warnings about taking pesticides or pesticide containers home.
- 6859 (xi) Requirements of this subpart designed to reduce the risks of illness or injury resulting
6860 from workers' occupational exposure to pesticides, including application and entry restrictions,
6861 the design of the warning sign, posting of warning signs, oral warnings, the availability of
6862 specific information about applications, and the protection against retaliatory acts.
- 6863 (3) EPA intends to make available to the public training materials that may be used to
6864 conduct training conforming to the requirements of this section. Within 180 days after a notice
6865 of availability of such training materials appears in the Federal Register, but no earlier than
6866 **[Insert date: two years after the effective date of the final rule]**, training programs required
6867 under this section must include, at a minimum, all of the topics listed in §170.401(c)(3)(i)-(xvi)
6868 instead of the points listed in §170.401(c)(2)(i)-(xi).
- 6869 (i) Agricultural employers are required to provide workers with information and

6870 protections designed to reduce work-related pesticide exposures and illnesses. This includes
6871 providing pesticide safety training, pesticide safety and application and hazard information,
6872 decontamination supplies and emergency medical assistance, and notifying workers of
6873 restrictions during applications and on entering pesticide treated areas.

6874 (ii) How to recognize and understand the meaning of the posted warning signs used for
6875 notifying workers of restrictions on entering pesticide treated areas on the establishment.

6876 (iii) How to follow directions and/or signs about keeping out of pesticide treated areas
6877 subject to a restricted-entry interval and application exclusion zones.

6878 (iv) Where and in what forms pesticides may be encountered during work activities, and
6879 potential sources of pesticide exposure on the agricultural establishment. This includes exposure
6880 to pesticide residues that may be on or in plants, soil, tractors, application and chemigation
6881 equipment, or used personal protective equipment, and that pesticides may drift through the air
6882 from nearby applications or be in irrigation water.

6883 (v) Potential hazards from toxicity and exposure that pesticides present to workers and
6884 their families, including acute and chronic effects, delayed effects, and sensitization.

6885 (vi) Routes through which pesticides can enter the body.

6886 (vii) Signs and symptoms of common types of pesticide poisoning.

6887 (viii) Emergency first aid for pesticide injuries or poisonings.

6888 (ix) Routine and emergency decontamination procedures, including emergency eye
6889 flushing techniques, and if pesticides are spilled or sprayed on the body to use decontamination
6890 supplies to wash immediately or rinse off in the nearest clean water, such as springs, streams,
6891 lake or other sources if more readily available than decontamination supplies, and as soon as
6892 possible, wash or shower with soap and water, shampoo hair, and change into clean clothes.

- 6893 (x) How and when to obtain emergency medical care.
- 6894 (xi) When working in pesticide treated areas, wear work clothing that protects the body
6895 from pesticide residues and wash hands before eating, drinking, using chewing gum or tobacco,
6896 or using the toilet.
- 6897 (xii) Wash or shower with soap and water, shampoo hair, and change into clean clothes
6898 as soon as possible after working in pesticide treated areas.
- 6899 (xiii) Potential hazards from pesticide residues on clothing.
- 6900 (xiv) Wash work clothes before wearing them again and wash them separately from other
6901 clothes.
- 6902 (xv) Do not take pesticides or pesticide containers used at work to your home.
- 6903 (xvi) Safety data sheets provide hazard, emergency medical treatment and other
6904 information about the pesticides used on the establishment they may come in contact with.
- 6905 Agricultural employers are required to do all of the following:
- 6906 (A) Display safety data sheets for all pesticides used on the establishment.
- 6907 (B) Provide workers information about the location of the safety data sheets on the
6908 establishment.
- 6909 (C) Provide workers unimpeded access to safety data sheets during normal work hours.
- 6910 (xvii) Agricultural employers must not allow or direct any worker to mix, load or apply
6911 pesticides or assist in the application of pesticides unless the worker has been trained as a
6912 handler.
- 6913 (xviii) Agricultural employers must provide specific information to workers before
6914 directing them to perform early-entry activities. Workers must be 18 years old to perform early-
6915 entry activities.

6916 (xix) Potential hazards to children and pregnant women from pesticide exposure.
6917 (xx) Keep children and nonworking family members away from pesticide treated areas.
6918 (xxi) After working in pesticide treated areas, remove work boots or shoes before
6919 entering your home, and remove work clothes and wash or shower before physical contact with
6920 children or family members.

6921 (xxii) How to report suspected pesticide use violations to the State or Tribal agency
6922 responsible for pesticide enforcement.

6923 (xxiii) Agricultural employers are prohibited from intimidating, threatening, coercing, or
6924 discriminating against any worker or handler for complying with or attempting to comply with
6925 the requirements of this rule, or because the worker or handler provided, caused to be provided
6926 or is about to provide information to the employer or the EPA or its agents regarding conduct
6927 that the employee reasonably believes violates this part, and/or made a complaint, testified,
6928 assisted, or participated in any manner in an investigation, proceeding, or hearing concerning
6929 compliance with this rule.

6930 (4) The person who conducts the training must meet one of the following criteria:

6931 (i) Be designated as a trainer of certified applicators, handlers or workers by EPA or the
6932 State or Tribal agency responsible for pesticide enforcement.

6933 (ii) Have completed an EPA-approved pesticide safety train-the-trainer program for
6934 trainers of workers.

6935 (iii) Be currently certified as an applicator of restricted use pesticides under part 171 of
6936 this chapter.

6937 (d) *Recordkeeping.* (1) For each worker required to be trained under paragraph (a), the
6938 agricultural employer must maintain on the agricultural establishment, for two years from the

6939 date of the training, a record documenting each worker's training including all of the following:

6940 (i) The trained worker's printed name and signature.

6941 (ii) The date of the training.

6942 (iii) Information identifying which EPA-approved training materials were used.

6943 (iv) The trainer's name and documentation showing that the trainer met the requirements
6944 of §170.401(c)(4) at the time of training.

6945 (v) The agricultural employer's name.

6946 (2) An agricultural employer who provides, directly or indirectly, training required under
6947 paragraph (a) must provide to the worker upon request a copy of the record of the training that
6948 contains the information required under §170.401(d)(1).

6949

6950 **§170.403 Establishment-specific information for workers.**

6951

6952 Before any worker performs any activity in a treated area on an agricultural establishment
6953 where within the last 30 days a pesticide product has been used, or a restricted-entry interval for
6954 such pesticide has been in effect, the agricultural employer must ensure that the worker has been
6955 informed of, in a manner the worker can understand, all of the following establishment-specific
6956 information:

6957 (a) The location of pesticide safety information required by §170.311(a).

6958 (b) The location of pesticide application and hazard information required by §170.311(b).

6959 (c) The location of decontamination supplies required by §170.411.

6960

6961 **§170.405 Entry restrictions associated with pesticide applications.**

6962

6963 (a) *Outdoor production pesticide applications.* (1) The application exclusion zone is
6964 defined as follows:

6965 (i) The application exclusion zone is the area that extends 100 feet horizontally from the
6966 application equipment in all directions during application when the pesticide is applied by any of
6967 the following methods:

6968 (A) Aerially.

6969 (B) Air blast application.

6970 (C) As a spray using a spray quality (droplet spectrum) of smaller than medium (volume
6971 median diameter of less than 294 microns).

6972 (D) As a fumigant, smoke, mist, or fog.

6973 (ii) The application exclusion zone is the area that extends 25 feet horizontally from the
6974 application equipment in all directions during application when the pesticide is applied not as in
6975 §170.405(a)(1)(i)(A-D) above and is sprayed from a height of greater than 12 inches from the
6976 planting medium using a spray quality (droplet spectrum) of medium or larger (volume median
6977 diameter of 294 microns or greater).

6978 (iii) There is no application exclusion zone when the pesticide is applied in a manner
6979 other than those covered in paragraphs (a)(1)(i) and (a)(1)(ii) of this section.

6980 (2) During any outdoor production pesticide application, the agricultural employer must
6981 not allow or direct any worker or other person, other than an appropriately trained and equipped
6982 handler involved in the application, to enter or to remain in the treated area or an application
6983 exclusion zone that is within the boundaries of the establishment until the application is
6984 complete.

6985 (3) After the application is complete, the area subject to the labeling-specified restricted-
6986 entry interval and the post-application entry restrictions specified in §170.407 is the treated area.

6987 (b) *Enclosed space production pesticide applications.* (1) During any enclosed space
6988 production pesticide application described in column A of Table one under paragraph (b)(4) of
6989 this section, the agricultural employer must not allow or direct any worker or other person, other
6990 than an appropriately trained and equipped handler involved in the application, to enter or to
6991 remain in the area specified in column B of Table one during the application and until the time
6992 specified in column C of Table one has expired.

6993 (2) After the time specified in column C of Table one under paragraph (b)(4) of this
6994 section has expired, the area subject to the labeling-specified restricted-entry interval and the
6995 post-application entry restrictions specified in §170.407 is the area specified in column D of
6996 Table one under paragraph (b)(4) of this section.

6997 (3) When column C of Table one under paragraph (b)(4) of this section specifies that
6998 ventilation criteria must be met, ventilation must continue until the air concentration is measured
6999 to be equal to or less than the inhalation exposure level required by the labeling. If no inhalation
7000 exposure level is listed on the labeling, ventilation must continue until after one of the following
7001 conditions is met:

7002 (i) Ten air exchanges are completed.

7003 (ii) Two hours of ventilation using fans or other mechanical ventilating systems.

7004 (iii) Four hours of ventilation using vents, windows, or other passive ventilation.

7005 (iv) Eleven hours with no ventilation followed by one hour of mechanical ventilation.

7006 (v) Eleven hours with no ventilation followed by two hours of passive ventilation.

7007 (vi) Twenty-four hours with no ventilation.

7008 (4) The following Table one applies to paragraphs (b)(1), (2), and (3) of this section.

7009

7010 **Table 1 – Entry Restrictions During Enclosed Space Production Pesticide Applications**

A. When a pesticide is applied:	B. Workers and other persons, other than appropriately trained and equipped handlers, are prohibited in:	C. Until:	D. After the expiration of time specified in column C, the area subject to the restricted-entry interval is:
(1) As a fumigant.	Entire enclosed space plus any adjacent structure or area that cannot be sealed off from the treated area.	The ventilation criteria of paragraph (b)(3) of this section are met.	No post-application entry restrictions required by §170.407 after criteria in column C are met.
(2) As a (i) Smoke, or (ii) Mist, or (iii) Fog, or (iv) As a spray using a spray quality (droplet spectrum)	Entire enclosed space.	The ventilation criteria of paragraph (b)(3) of this section are met.	Entire enclosed space.

of smaller than medium (volume median diameter of less than 294 microns.			
(3) Not as in (1) or (2) above, and for which a respiratory protection device is required for application by the pesticide product labeling.	Entire enclosed space.	The ventilation criteria of paragraph (b)(3) of this section are met.	Treated area.
(4) Not as in (1), (2) or (3) above, and: (i) From a height of greater than 12 inches from the planting medium, or (ii) As a spray using a spray quality (droplet spectrum) of medium or larger	Treated area plus 25 feet in all directions of the treated area, but not outside the enclosed space.	Application is complete.	Treated area.

(volume median diameter of 294 microns or greater)			
(5) Otherwise.	Treated area.	Application is complete.	Treated area.

7011

7012 **§170.407 Worker entry restrictions after pesticide applications.**

7013

7014 (a) After the application of any pesticide to an area of outdoor production, the agricultural
7015 employer must not allow or direct any worker to enter or to remain in the treated area before the
7016 restricted-entry interval specified on the pesticide product labeling has expired and all treated
7017 area warning signs have been removed or covered, except for early-entry activities permitted by
7018 §170.603.

7019 (b) After the application of any pesticide to an area of enclosed space production, the
7020 agricultural employer must not allow or direct any worker to enter or to remain in the areas
7021 specified in column D in Table one under §170.405(b)(4), before the restricted-entry interval
7022 specified on the pesticide product labeling has expired and all treated area warning signs have
7023 been removed or covered, except for early-entry activities permitted by §170.603.

7024 (c) When two or more pesticides are applied to a treated area at the same time, the
7025 applicable restricted-entry interval is the longest of all applicable restricted-entry intervals.

7026

7027 **§170.409 Oral and posted notification of worker entry restrictions.**

7028

7029 (a) *General Requirement.* The agricultural employer must notify workers of all entry
7030 restrictions required by §§170.405 and 170.407 in accordance with this section.

7031 (1) *Type of notification required -- (i) Double notification.* If the pesticide product
7032 labeling has a statement requiring both the posting of treated areas and oral notification to
7033 workers, the agricultural employer must post signs in accordance with paragraph (b) of this
7034 section and must also provide oral notification of the application to workers in accordance with
7035 paragraph (c) of this section.

7036 (ii) *Outdoor production areas subject to restricted-entry intervals greater than 48 hours.*
7037 If a pesticide with product labeling that requires a restricted-entry interval greater than 48 hours
7038 is applied to an outdoor production area, the agricultural employer must notify workers of the
7039 application by posting warning signs in accordance with paragraph (b) of this section.

7040 (iii) *Outdoor production areas subject to restricted-entry intervals equal to or less than*
7041 *48 hours.* If a pesticide with product labeling that requires a restricted-entry interval equal to or
7042 less than 48 hours is applied to an outdoor production area, the agricultural employer must notify
7043 workers of the application either by posting warning signs in accordance with paragraph (b) of
7044 this section or by providing workers with an oral warning in accordance with paragraph (c) of
7045 this section.

7046 (iv) *Enclosed space production areas subject to restricted-entry intervals greater than*
7047 *four hours.* If a pesticide with product labeling that requires a restricted-entry interval greater
7048 than four hours is applied to an enclosed space production area, the agricultural employer must
7049 notify workers of the application by posting warning signs in accordance with paragraph (b) of
7050 this section.

7051 (v) *Enclosed space production areas subject to restricted-entry intervals equal to or less*

than four hours. If a pesticide with product labeling that requires a restricted-entry interval equal to or less than four hours is applied to an enclosed space production area, the agricultural employer must notify workers of the application either by posting warning signs in accordance with paragraph (b) of this section or by providing workers with an oral warning in accordance with paragraph (c) of this section.

(2) *Exceptions.* Notification does not need to be given to a worker if the agricultural employer can ensure that one of the following is met:

(i) From the start of the application in an enclosed space production area until the end of any restricted-entry interval, the worker will not enter any part of the entire enclosed structure or space.

(ii) From the start of the application to an outdoor production area until the end of any restricted-entry interval, the worker will not enter, work in, remain in, or pass on foot through the treated area or any area within 1/4 mile of the treated area on the agricultural establishment.

(iii) The worker was involved in the application of the pesticide as a handler, and is aware of all information required by paragraph (c)(1) of this section.

(b) *Requirements for posted warning signs.* If notification by posted warning signs is required pursuant to paragraph (a) of this section, the agricultural employer must, unless otherwise prescribed by the label, ensure that all warning signs meet the requirements of this paragraph. When several contiguous areas are to be treated with pesticides on a rotating or sequential basis, the entire area may be posted. Worker entry is prohibited for the entire area while the signs are posted, except for entry permitted by § 170.603 of this part.

(1) *General.* The warning signs must meet all of the following requirements:

(i) Be one of the three sizes specified in paragraph (b)(3) of this section and comply with

7075 the posting placement and spacing requirements applicable to that sign size.

7076 (ii) Be posted prior to but no earlier than 24 hours before the scheduled application of the
7077 pesticide.

7078 (iii) Remain posted throughout the application and any restricted-entry interval.

7079 (iv) Be removed or covered within three days after the end of the application or any
7080 restricted-entry interval, whichever is later, except that signs may remain posted after the
7081 restricted-entry interval has expired as long as all of the following conditions are met:

7082 (A) The agricultural employer instructs any workers on the establishment that may come
7083 within 1/4 mile of the treated area not to enter that treated area while the signs are posted.

7084 (B) The agricultural employer ensures that workers do not enter the treated area while the
7085 signs remain posted, other than entry permitted by §170.603 of this part.

7086 (v) Remain visible and legible during the time they are required to be posted.

7087 (2) *Content.* (i) The warning sign must have a white background. The words "DANGER"
7088 and "PELIGRO," plus "PESTICIDES" and "PESTICIDAS," must be at the top of the sign, and
7089 the words "KEEP OUT" and "NO ENTRE" must be at the bottom of the sign. Letters for all
7090 words must be clearly legible. A circle containing an upraised hand on the left and a stern face
7091 on the right must be near the center of the sign. The inside of the circle must be red, except that
7092 the hand and a large portion of the face must be in white. The length of the hand must be at least
7093 twice the height of the smallest letters. The length of the face must be only slightly smaller than
7094 the hand. Additional information such as the name of the pesticide and the date of application
7095 may appear on the warning sign if it does not detract from the size and appearance of the sign or
7096 change the meaning of the required information. An example of a warning sign meeting these
7097 requirements, other than the size and color requirements, follows:

7098



7099

7100

7101 (ii) The agricultural employer may replace the Spanish language portion of the warning
7102 sign with equivalent terms in an alternative non-English language if that alternative language is
7103 the language read by the largest group of workers at that agricultural establishment who do not
7104 read English. The alternative language sign must be in the same format as the original sign and
7105 conform to all other requirements of paragraph (b)(2)(i) of this section.

7106 (3) *Size and posting.* (i) The standard sign must be at least 14 inches by 16 inches with
7107 letters at least one inch in height.

7108 (ii) When posting an outdoor production area using the standard sign, the signs must be
7109 visible from all reasonably expected points of worker entry to the treated area, including at least
7110 each access road, each border with any worker housing area within 100 feet of the treated area
7111 and each footpath and other walking route that enters the treated area. Where there are no
7112 reasonably expected points of worker entry, signs must be posted in the corners of the treated

7113 area or in any other location affording maximum visibility.

7114 (iii) When posting an enclosed space production area using the standard sign and the
7115 entire structure or space is subject to the labeling-specified restricted-entry interval and the post-
7116 application entry restrictions specified in §170.407, the signs must be posted so they are visible
7117 from all reasonably expected points of worker entry to the structure or space. When posting
7118 treated areas in enclosed space production using the standard sign and the treated area only
7119 comprises a subsection of the structure or space, the signs must be posted so they are visible
7120 from all reasonably expected points of worker entry to the treated area including each aisle or
7121 other walking route that enters the treated area. Where there are no reasonably expected points of
7122 worker entry to the treated area, signs must be posted in the corners of the treated area or in any
7123 other location affording maximum visibility.

7124 (iv) If a smaller warning sign is used with “DANGER” and “PELIGRO” in letters at least
7125 7/8 inch in height and the remaining letters at least 1/2 inch in height and a red circle at least
7126 three inches in diameter containing an upraised hand and a stern face, the signs must be posted
7127 no farther than 50 feet apart around the perimeter of the treated area in addition to the locations
7128 specified in paragraphs (b)(3)(ii) or (b)(3)(iii) of this section.

7129 (v) If a smaller sign is used with “DANGER” and “PELIGRO” in letters at least 7/16
7130 inch in height and the remaining letters at least 1/4 inch in height and a red circle at least one and
7131 a half inches in diameter containing an upraised hand and a stern face, the signs must be posted
7132 no farther than 25 feet apart around the perimeter of the treated area in addition to the locations
7133 specified in paragraphs (b)(3)(ii) or (b)(3)(iii) of this section.

7134 (vi) A sign with “DANGER” and “PELIGRO” in letters less than 7/16 inch in height or
7135 with any words in letters less than 1/4 inch in height or a red circle smaller than one and a half

inches in diameter containing an upraised hand and a stern face will not satisfy the requirements of the rule.

(c) *Oral warnings -- (1) Requirement.* If oral notification is required pursuant to paragraph (a) of this section, the agricultural employer must provide oral warnings to workers in a manner that the workers can understand. If a worker will be on the establishment when an application begins, the warning must be given before the application begins. If a worker arrives on the establishment while an application is taking place or a restricted-entry interval for a pesticide application is in effect, the warning must be given at the beginning of the worker's work period. The warning must include all of the following:

(i) The location(s) and description of any treated area(s) subject to the entry restrictions during and after application specified in §§170.405 and 170.407.

(ii) The dates and times during which entry is restricted in any treated area(s) subject to the entry restrictions during and after application specified in §§170.405 and 170.407.

(iii) Instructions not to enter the treated area or an application exclusion zone during application, and that entry to the treated area is not allowed until the restricted-entry interval has expired and all treated area warning signs have been removed or covered, except for entry permitted by §170.603 of this part.

§170.411 Decontamination supplies for workers.

(a) *Requirement.* The agricultural employer must provide decontamination supplies for routine washing and emergency decontamination in accordance with this section for any worker on an agricultural establishment who is performing an activity in an area where a pesticide was

7159 applied and who contacts anything that has been treated with the pesticide, including, but not
7160 limited to, soil, water, and plants.

7161 (b) *Materials and quantities.* The decontamination supplies required in paragraph (a) of
7162 this section must include at least 1 gallon of water per worker at the beginning of each worker's
7163 work period for routine washing and emergency decontamination, soap, and single-use towels.
7164 The supplies must meet all of the following requirements:

7165 (1) *Water.* At all times when this part requires agricultural employers to make water
7166 available to workers, the agricultural employer must ensure that it is of a quality and temperature
7167 that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed. If a
7168 water source is used for mixing pesticides, it must not be used for decontamination, unless
7169 equipped with properly functioning valves or other mechanisms that prevent contamination of
7170 the water with pesticides, such as anti-backflow siphons, one-way or check valves, or an air gap
7171 sufficient to prevent contamination.

7172 (2) *Soap and single-use towels.* The agricultural employer must provide soap and single-
7173 use towels for drying in quantities sufficient to meet the workers' reasonable needs. Hand
7174 sanitizing gels and liquids or wet towelettes do not meet the requirement for soap. Wet towelettes
7175 do not meet the requirement for single-use towels.

7176 (c) *Timing.* (1) If any pesticide with a restricted-entry interval greater than four hours was
7177 applied, the decontamination supplies must be provided from the time workers first enter the
7178 treated area until at least 30 days after the restricted-entry interval expires.

7179 (2) If the only pesticides applied in the treated area are products with restricted-entry
7180 intervals of four hours or less, the decontamination supplies must be provided from the time
7181 workers first enter the treated area until at least seven days after the restricted-entry interval

7182 expires.

7183 (d) *Location*. The decontamination supplies must be located together outside any treated
7184 area or area subject to a restricted-entry interval, and must be reasonably accessible to the
7185 workers. The decontamination supplies must not be more than 1/4 mile from where workers are
7186 working, except that where workers are working more than 1/4 mile from the nearest place of
7187 vehicular access or more than 1/4 mile from any non-treated area, the decontamination supplies
7188 may be at the nearest place of vehicular access outside any treated area or area subject to a
7189 restricted-entry interval.

7190

7191 **Subpart F – Requirements for Protection of Agricultural Pesticide Handlers**

7192

7193 **§170.501 Training requirements for handlers.**

7194

7195 (a) *General requirement*. Before any handler performs any handler activity involving a
7196 pesticide product, the handler employer must ensure that the handler has been trained in
7197 accordance with this section within the last 12 months, except as provided in paragraph (b) of
7198 this section.

7199 (b) *Exceptions*. The following handlers need not be trained under this section:

7200 (1) A handler who is currently certified as an applicator of restricted use pesticides under
7201 part 171 of this chapter.

7202 (2) A handler who is certified or licensed as a crop advisor by a program acknowledged
7203 as appropriate in writing by EPA or the State or Tribal agency responsible for pesticide
7204 enforcement, provided that a requirement for such certification or licensing is pesticide safety

7205 training that includes all the topics set out in §170.501(c)(2) or §170.501(c)(3) as applicable
7206 depending on the date of training.

7207 (c) *Training programs.* (1) Pesticide safety training must be presented to handlers either
7208 orally from written materials or audio-visually, at a location that is reasonably free from
7209 distraction and conducive to training. All training materials must be EPA-approved. The training
7210 must be presented in a manner that the handlers can understand, such as through a translator. The
7211 training must be conducted by a person who meets the handler trainer requirements of paragraph
7212 (c)(4) of this section, and who must be present during the entire training program and must
7213 respond to handlers' questions.

7214 (2) The pesticide safety training materials must include, at a minimum, all of the
7215 following topics:

7216 (i) Format and meaning of information contained on pesticide labels and in labeling,
7217 including safety information such as precautionary statements about human health hazards.

7218 (ii) Hazards of pesticides resulting from toxicity and exposure, including acute and
7219 chronic effects, delayed effects, and sensitization.

7220 (iii) Routes by which pesticides can enter the body.

7221 (iv) Signs and symptoms of common types of pesticide poisoning.

7222 (v) Emergency first aid for pesticide injuries or poisonings.

7223 (vi) How to obtain emergency medical care.

7224 (vii) Routine and emergency decontamination procedures.

7225 (viii) Need for and appropriate use of personal protective equipment.

7226 (ix) Prevention, recognition, and first aid treatment of heat-related illness.

7227 (x) Safety requirements for handling, transporting, storing, and disposing of pesticides,

7228 including general procedures for spill cleanup.

7229 (xi) Environmental concerns such as drift, runoff, and wildlife hazards.

7230 (xii) Warnings about taking pesticides or pesticide containers home.

7231 (xiii) Requirements of this subpart that must be followed by handler employers for the
7232 protection of handlers and other persons, including the prohibition against applying pesticides in
7233 a manner that will cause contact with workers or other persons, the requirement to use personal
7234 protective equipment, the provisions for training and decontamination, and the protection against
7235 retaliatory acts.

7236 (3) EPA intends to make available to the public training materials that may be used to
7237 conduct training conforming to the requirements of this section. Within 180 days after a notice
7238 of availability of such training materials appears in the Federal Register, but no earlier than
7239 **[Insert date: two years after the effective date of the final rule]**, training programs required
7240 under this section must include, at a minimum, all of the topics listed in §170.501(c)(3)(i)-(xiv)
7241 instead of the points listed in §170.501(c)(2)(i)-(xiii).

7242 (i) All the topics required by §170.401(c)(3).

7243 (ii) Information on proper application and use of pesticides.

7244 (iii) Handlers must follow the portions of the labeling applicable to the safe use of the
7245 pesticide.

7246 (iv) Format and meaning of information contained on pesticide labels and in labeling
7247 applicable to the safe use of the pesticide.

7248 (v) Need for and appropriate use and removal of all personal protective equipment.

7249 (vi) How to recognize, prevent, and provide first aid treatment for heat-related illness.

7250 (vii) Safety requirements for handling, transporting, storing, and disposing of pesticides,

7251 including general procedures for spill cleanup.

7252 (viii) Environmental concerns, such as drift, runoff, and wildlife hazards.

7253 (ix) Handlers must not apply pesticides in a manner that results in contact with workers
7254 or other persons.

7255 (x) Handler employers are required to provide handlers with information and protections
7256 designed to reduce work-related pesticide exposures and illnesses. This includes providing,
7257 cleaning, maintaining, storing, and ensuring proper use of all required personal protective
7258 equipment; providing decontamination supplies; and providing specific information about
7259 pesticide use and labeling information.

7260 (xi) Handlers must suspend a pesticide application if workers or other persons are in the
7261 application exclusion zone.

7262 (xii) Handlers must be at least 18 years old.

7263 (xiii) Handler employers must ensure handlers have received respirator fit-testing,
7264 training and medical evaluation if they are required to wear a respirator by the product labeling.

7265 (xiv) Handler employers must post treated areas as required by this rule.

7266 (4) The person who conducts the training must have one of the following qualifications:

7267 (i) Be designated as a trainer of certified applicators or pesticide handlers by EPA or the
7268 State or Tribal agency responsible for pesticide enforcement.

7269 (ii) Have completed an EPA-approved pesticide safety train-the-trainer program for
7270 trainers of handlers.

7271 (iii) Be currently certified as an applicator of restricted use pesticides under part 171 of
7272 this chapter.

7273 (d) *Recordkeeping.* (1) Handler employers must maintain records of training for handlers

employed by their establishment for two years after the date of the training. The records must be maintained on the establishment and must include all of the following information:

- (i) The trained handler's printed name and signature.
- (ii) The date of the training.
- (iii) Information identifying which EPA-approved training materials were used.
- (iv) The trainer's name and documentation showing that the trainer met the requirements of §170.501(c)(4) at the time of training.
- (v) The handler employer's name.

(2) The handler employer must, upon request by a handler trained on the establishment, provide to the handler a copy of the record of the training that contains the information required under §170.501(d)(1).

§170.503 Knowledge of labeling, application-specific, and establishment-specific information for handlers.

(a) Knowledge of labeling and application-specific information. (1) The handler employer must ensure that before any handler performs any handler activity involving a pesticide product, the handler either has read the portions of the labeling applicable to the safe use of the pesticide or has been informed in a manner the handler can understand of all labeling requirements and use directions applicable to the safe use of the pesticide.

(2) The handler employer must ensure that the handler has access to the applicable product labeling at all times during handler activities.

(3) The handler employer must ensure that the handler is aware of requirements for any

7297 entry restrictions, application exclusion zones and restricted-entry intervals as described in
7298 §§170.405 and 170.407 that may apply based on the handler's activity.

7299 (b) *Knowledge of establishment-specific information.* Before any handler performs any
7300 handler activity on an agricultural establishment where within the last 30 days a pesticide
7301 product has been used, or a restricted-entry interval for such pesticide has been in effect, the
7302 handler employer must ensure that the handler has been informed, in a manner the handler can
7303 understand, all of the following establishment-specific information:

- 7304 (1) The location of pesticide safety information required by §170.311(a).
7305 (2) The location of pesticide application and hazard information required by §170.311(b).
7306 (3) The location of decontamination supplies required by §170.509.

7307

7308 **§170.505 Requirements during applications to protect handlers, workers, and other**
7309 **persons.**

7310

7311 (a) *Prohibition from contacting workers and other persons with pesticides during*
7312 *application.* The handler employer and the handler must ensure that no pesticide is applied so as
7313 to contact, directly or through drift, any worker or other person, other than an appropriately
7314 trained and equipped handler involved in the application.

7315 (b) *Suspending applications.* After **[Insert date: two years from the effective date of**
7316 **the final rule specified in §170.11(a)(1)]**, the handler performing the application must
7317 immediately suspend a pesticide application if any worker or other person, other than an
7318 appropriately trained and equipped handler involved in the application, is in the application
7319 exclusion zone described in §170.405(a)(1) or the area specified in column B of Table one in

7320 §170.405(b).

7321 (c) *Handlers using highly toxic pesticides.* The handler employer must ensure that any
7322 handler who is performing any handler activity with a pesticide product that has the skull-and-
7323 crossbones symbol on the front panel of the pesticide product label is monitored visually or by
7324 voice communication at least every two hours.

7325 (d) *Fumigant applications in enclosed space production.* The handler employer must
7326 ensure all of the following:

7327 (1) Any handler in an enclosed space production area during a fumigant application
7328 maintains continuous visual or voice contact with another handler stationed immediately outside
7329 of the enclosed space.

7330 (2) The handler stationed outside the enclosed space has immediate access to and uses the
7331 personal protective equipment required by the fumigant labeling for applicators in the event that
7332 entry becomes necessary for rescue.

7333

7334 **§170.507 Personal protective equipment.**

7335

7336 (a) *Handler responsibilities.* Any person who performs handler activities involving a
7337 pesticide product must use the clothing and personal protective equipment specified on the
7338 pesticide product labeling for use of the product, except as provided in §170.607 of this part.

7339 (b) *Employer responsibilities for providing personal protective equipment.* The handler
7340 employer must provide to the handler the personal protective equipment required by the pesticide
7341 product labeling in accordance with this section. The handler employer must ensure that the
7342 personal protective equipment is clean and in proper operating condition. For the purposes of this

7343 section, long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, and socks are not
7344 considered personal protective equipment, although such work clothing must be worn if required
7345 by the pesticide product labeling.

7346 (1) If the pesticide product labeling requires that "chemical-resistant" personal protective
7347 equipment be worn, it must be made of material that allows no measurable movement of the
7348 pesticide being used through the material during use.

7349 (2) If the pesticide product labeling requires that "waterproof" personal protective
7350 equipment be worn, it must be made of material that allows no measurable movement of water or
7351 aqueous solutions through the material during use.

7352 (3) If the pesticide product labeling requires that a "chemical-resistant suit" be worn, it
7353 must be a loose-fitting, one- or two-piece chemical-resistant garment that covers, at a minimum,
7354 the entire body except head, hands, and feet.

7355 (4) If the pesticide product labeling requires that "coveralls" be worn, they must be loose-
7356 fitting, one- or two-piece garments that cover, at a minimum, the entire body except head, hands,
7357 and feet.

7358 (5) Gloves must be the type specified on the pesticide product labeling.

7359 (i) Gloves made of leather, cotton, or other absorbent materials may not be worn while
7360 performing handler activities unless gloves made of these materials are listed as acceptable for
7361 such use on the pesticide product labeling.

7362 (ii) Separable glove liners may be worn beneath chemical-resistant gloves, unless the
7363 pesticide product labeling specifically prohibits their use. Separable glove liners are defined as
7364 separate glove-like hand coverings, made of lightweight material, with or without fingers. Work
7365 gloves made from lightweight cotton or poly-type material are considered to be glove liners if

7366 worn beneath chemical-resistant gloves. Separable glove liners may not extend outside the
7367 chemical-resistant gloves under which they are worn. Chemical-resistant gloves with non-
7368 separable absorbent lining materials are prohibited.

7369 (iii) If used, separable glove liners must be discarded immediately after a total of no more
7370 than 10 hours of use or within 24 hours of when first put on, whichever comes first. The liners
7371 must be replaced immediately if directly contacted by pesticide. Used glove liners must not be
7372 reused. Contaminated liners must be disposed of in accordance with any Federal, State, or local
7373 regulations.

7374 (6) If the pesticide product labeling requires that "chemical-resistant footwear" be worn,
7375 one of the following types of footwear must be worn:

7376 (i) Chemical-resistant shoes.

7377 (ii) Chemical-resistant boots.

7378 (iii) Chemical-resistant shoe coverings worn over shoes or boots.

7379 (7) If the pesticide product labeling requires that "protective eyewear" be worn, one of the
7380 following types of eyewear must be worn:

7381 (i) Goggles.

7382 (ii) Face shield.

7383 (iii) Safety glasses with front, brow, and temple protection.

7384 (iv) Full-face respirator.

7385 (8) If the pesticide product labeling requires that a "chemical-resistant apron" be worn, a
7386 chemical-resistant apron that covers the front of the body from mid-chest to the knees must be
7387 worn.

7388 (9) If the pesticide product labeling requires that "chemical-resistant headgear" be worn,

7389 it must be either a chemical-resistant hood or a chemical-resistant hat with a wide brim.

7390 (10) The respirator specified by the pesticide product labeling must be used. Whenever a
7391 respirator is required by the pesticide product labeling, the handler employer must ensure that the
7392 requirements of paragraphs (b)(10)(i) through (iii) of this section are met before the handler
7393 performs any handler activity where the respirator is required to be worn. The handler employer
7394 must maintain for two years, on the establishment, records documenting the completion of the
7395 requirements of paragraphs (b)(10)(i) through (iii) of this section.

7396 (i) Handler employers must provide handlers with fit testing using the respirator specified
7397 on the pesticide product labeling in a manner that conforms to the provisions of 29 CFR
7398 1910.134.

7399 (ii) Handler employers must provide handlers with training in the use of the respirator
7400 specified on the pesticide product labeling in a manner that conforms to the provisions of 29
7401 CFR 1910.134(k)(1)(i)-(vi).

7402 (iii) Handler employers must provide handlers with a medical evaluation by a physician
7403 or other licensed health care professional that conforms to the provisions of 29 CFR 1910.134 to
7404 ensure the handler's physical ability to safely wear the respirator specified on the pesticide
7405 product labeling.

7406 (c) *Use of personal protective equipment.* (1) The handler employer must ensure that
7407 personal protective equipment is used correctly for its intended purpose and is used according to
7408 the manufacturer's instructions.

7409 (2) The handler employer must ensure that, before each day of use, all personal protective
7410 equipment is inspected for leaks, holes, tears, or worn places, and any damaged equipment is
7411 repaired or discarded.

7412 (d) *Cleaning and maintenance.* (1) The handler employer must ensure that all personal
7413 protective equipment is cleaned according to the manufacturer's instructions or pesticide product
7414 labeling instructions before each day of reuse. In the absence of any such instructions, it must be
7415 washed thoroughly in detergent and hot water.

7416 (2) If any personal protective equipment cannot or will not be cleaned properly, the
7417 handler employer must ensure the contaminated personal protective equipment is made unusable
7418 as apparel or is made unavailable for further use. The contaminated personal protective
7419 equipment must be disposed of in accordance with any applicable laws or regulations. Coveralls
7420 or other absorbent materials that have been drenched or heavily contaminated with a pesticide
7421 that has the signal word "DANGER" or "WARNING" on the label must not be reused and must
7422 be disposed of as specified in this paragraph. Handler employers must ensure that any person
7423 who handles contaminated personal protective equipment described in this paragraph wears the
7424 gloves specified on the pesticide product labeling for mixing and loading the product(s)
7425 comprising the contaminant(s) on the equipment. If two or more pesticides are included in the
7426 contaminants, the gloves worn must meet the requirements for mixing and loading all of the
7427 pesticides products.

7428 (3) The handler employer must ensure that contaminated personal protective equipment is
7429 kept separate from non-contaminated personal protective equipment, other clothing or laundry
7430 and washed separately from any other clothing or laundry.

7431 (4) The handler employer must ensure that all washed personal protective equipment is
7432 dried thoroughly before being stored or reused.

7433 (5) The handler employer must ensure that all clean personal protective equipment is
7434 stored separately from personal clothing and apart from pesticide-contaminated areas.

7435 (6) The handler employer must ensure that when filtering facepiece respirators are used,
7436 they are replaced when one of the following conditions is met:

7437 (i) When breathing resistance becomes excessive.

7438 (ii) When the filter element has physical damage or tears.

7439 (iii) According to manufacturer's recommendations or pesticide product labeling,
7440 whichever is more frequent.

7441 (iv) In the absence of any other instructions or indications of service life, at the end of
7442 eight hours of cumulative use.

7443 (7) The handler employer must ensure that when gas- or vapor-removing respirators are
7444 used, the gas- or vapor-removing canisters or cartridges are replaced before further respirator use
7445 when one of the following conditions is met:

7446 (i) At the first indication of odor, taste, or irritation.

7447 (ii) When breathing resistance becomes excessive.

7448 (iii) When required according to manufacturer's recommendations or pesticide product
7449 labeling instructions, whichever is more frequent.

7450 (iv) In the absence of any other instructions or indications of service life, at the end of
7451 eight hours of cumulative use.

7452 (8) The handler employer must inform any person who cleans or launders personal
7453 protective equipment of all the following:

7454 (i) That such equipment may be contaminated with pesticides and there are potentially
7455 harmful effects from exposure to pesticides.

7456 (ii) The correct way(s) to clean personal protective equipment and how to protect
7457 themselves when handling such equipment.

7458 (iii) Proper decontamination procedures that should be followed after handling
7459 contaminated personal protective equipment.

7460 (9) The handler employer must ensure that handlers have a place(s) away from pesticide
7461 storage and pesticide use areas where they may do all of the following:

7462 (i) Store personal clothing not worn during handling activities.

7463 (ii) Put on personal protective equipment at the start of any exposure period.

7464 (iii) Remove personal protective equipment at the end of any exposure period.

7465 (10) The handler employer must not allow or direct any handler to wear home or to take
7466 home employer-provided personal protective equipment contaminated with pesticides.

7467 (e) *Heat-related illness*. Where a pesticide's labeling requires the use of personal
7468 protective equipment for a handler activity, the handler employer must take appropriate measures
7469 to prevent heat-related illness.

7470

7471 **§170.509 Decontamination and eye flushing supplies for handlers.**

7472

7473 (a) *Requirement*. The handler employer must provide decontamination and eye flushing
7474 supplies in accordance with this section for any handler that is performing any handler activity or
7475 removing personal protective equipment at the place for changing required by §170.507(d)(9).

7476 (b) *General conditions*. The decontamination supplies required in paragraph (a) of this
7477 section must include: at least three gallons of water per handler at the beginning of each
7478 handler's work period for routine washing and potential emergency decontamination; soap;
7479 single-use towels; and clean clothing for use in an emergency. The decontamination and eye
7480 flushing supplies required in paragraph (a) of this section must meet all of the following

7481 requirements:

7482 (1) *Water*. At all times when this section requires handler employers to make water
7483 available to handlers for routine washing, emergency decontamination or eye flushing, the
7484 handler employer must ensure that it is of a quality and temperature that will not cause illness or
7485 injury when it contacts the skin or eyes or if it is swallowed. If a water source is used for mixing
7486 pesticides, it must not be used for decontamination or eye flushing supplies, unless equipped
7487 with properly functioning valves or other mechanisms that prevent contamination of the water
7488 with pesticides, such as anti-backflow siphons, one-way or check valves, or an air gap sufficient
7489 to prevent contamination.

7490 (2) *Soap and single-use towels*. The handler employer must provide soap and single-use
7491 towels for drying in quantities sufficient to meet the handlers' needs. Hand sanitizing gels and
7492 liquids or wet towelettes do not meet the requirement for soap. Wet towelettes do not meet the
7493 requirement for single-use towels.

7494 (3) *Clean change of clothing*. The handler employer must provide one clean change of
7495 clothing, such as coveralls, for use in an emergency.

7496 (c) *Location*. The decontamination supplies must be located together outside any treated
7497 area or area subject to a restricted-entry interval, and must be reasonably accessible to each
7498 handler during the handler activity. The decontamination supplies must not be more than 1/4
7499 mile from the handler, except that where the handler activity is more than 1/4 mile from the
7500 nearest place of vehicular access or more than 1/4 mile from any non-treated area, the
7501 decontamination supplies may be at the nearest place of vehicular access outside any treated area
7502 or area subject to a restricted-entry interval.

7503 (1) *Mixing sites*. Decontamination supplies must be provided at any mixing site.

(2) *Exception for pilots.* Decontamination supplies for a pilot who is applying pesticides aerially must be in the aircraft or at the aircraft loading site.

(3) *Exception for treated areas.* The decontamination supplies must be outside any treated area or area subject to a restricted-entry interval, unless the soap, single-use towels, water and clean change of clothing are protected from pesticide contamination in closed containers.

(d) *Emergency eye-flushing.* (1) Whenever a handler is mixing or loading a pesticide product whose labeling requires protective eyewear for handlers, or is mixing or loading any pesticide using a closed system operating under pressure, the handler employer must provide at the mixing/loading site immediately available to the handler, a system capable of delivering gently running water at a rate of least 0.4 gallons per minute for at least 15 minutes, or at least six gallons of water in containers suitable for providing a gentle eye flush for about 15 minutes.

(2) Whenever a handler is applying a pesticide product whose labeling requires protective eyewear for handlers, the handler employer must provide at least one pint of water per handler in portable containers that are immediately available to each handler.

Subpart G – Exemptions, Exceptions and Equivalency

§170.601 Exemptions.

(a) *Exemption for owners of agricultural establishments and their immediate families.* (1) On any agricultural establishment that is wholly owned by an individual, or where all of the owners of the establishment are members of the same immediate family, the owner(s) of the establishment are not required to provide the protections of the following provisions to

7527 themselves or members of their immediate family when they are performing handling activities
7528 or tasks related to the production of agricultural plants that would otherwise be covered by this
7529 part on their own agricultural establishment.

7530 (i) §170.309(c).

7531 (ii) §170.309(f) through (j).

7532 (iii) §170.311.

7533 (iv) §170.401.

7534 (v) §170.403.

7535 (vi) §170.409.

7536 (vii) §170.411 and 170.509.

7537 (viii) §170.501.

7538 (ix) §170.503.

7539 (x) §170.505(c) and (d).

7540 (xi) §170.507(c) through (e).

7541 (xii) §170.605(a) through (c) and (e) through (k).

7542 (2) The owners of agricultural establishments must provide all of the applicable
7543 protections required by this part for any employees or other persons on the establishment that are
7544 not members of their immediate family.

7545 (b) *Exemption for certified crop advisors.* Certified crop advisors may make their own
7546 determination for the appropriate personal protective equipment for entry into a treated area
7547 during a restricted-entry interval and substitute their self-determined set of personal protective
7548 equipment for the labeling-required personal protective equipment, and the requirements of
7549 §§170.309(e), 170.503(a), 170.507 and 170.509 of this part do not apply to certified crop

7550 advisors provided the application is complete and all of the following conditions are met:

7551 (1) The crop advisor is certified or licensed as a crop advisor by a program acknowledged
7552 as appropriate in writing by EPA or a State or Tribal agency responsible for pesticide
7553 enforcement.

7554 (2) The certification or licensing program requires pesticide safety training that includes
7555 all the information in §170.501(c)(2) or §170.501(c)(3) as applicable depending on the date of
7556 training.

7557 (3) The crop advisor who enters a treated area during a restricted-entry interval only
7558 performs crop advising tasks while in the treated area.

7559

7560 **§170.603 Exceptions for entry by workers during restricted-entry intervals.**

7561

7562 An agricultural employer may direct workers to enter treated areas where a restricted-
7563 entry interval is in effect to perform certain activities as provided in this section, provided that
7564 the agricultural employer ensures all of the applicable conditions of this section and §170.605 of
7565 this part are met.

7566 (a) *Exception for activities with no contact.* A worker may enter a treated area during a
7567 restricted-entry interval if the agricultural employer ensures that all of the following conditions
7568 are met:

7569 (1) The worker will have no contact with anything that has been treated with the pesticide
7570 to which the restricted-entry interval applies, including, but not limited to, soil, water, air, or
7571 surfaces of plants. This exception does not allow workers to perform any activities that involve
7572 contact with treated surfaces even if workers are wearing personal protective equipment.

7573 (2) No such entry is allowed until any inhalation exposure level listed in the pesticide
7574 product labeling has been reached or any ventilation criteria required by §170.405(b)(3) or the
7575 pesticide product labeling have been met.

7576 (b) *Exception for short-term activities.* A worker may enter a treated area during a
7577 restricted-entry interval for short-term activities, if the agricultural employer ensures that all of
7578 the following requirements are met:

7579 (1) No hand labor activity is performed.

7580 (2) The time in treated areas where a restricted-entry interval is in effect does not exceed
7581 one hour in any 24-hour period for any worker.

7582 (3) No such entry is allowed during the first 4 hours after the application ends.

7583 (4) No such entry is allowed until any inhalation exposure level listed in the pesticide
7584 product labeling has been reached or any ventilation criteria required by §170.405(b)(3) or the
7585 pesticide product labeling have been met.

7586 (c) *Exception for an agricultural emergency.* (1) An agricultural emergency means a
7587 sudden occurrence or set of circumstances that the agricultural employer could not have
7588 anticipated and over which the agricultural employer has no control, that requires entry into a
7589 treated area during a restricted-entry interval, and when no alternative practices would prevent or
7590 mitigate a substantial economic loss. A substantial economic loss means a loss in profitability
7591 greater than that which would be expected based on the experience and fluctuations of crop
7592 yields in previous years. Only losses caused by the agricultural emergency specific to the
7593 affected site and geographic area are considered. Losses resulting from mismanagement cannot
7594 be included when determining whether a loss is substantial.

7595 (2) A worker may enter a treated area where a restricted-entry interval is in effect in an

agricultural emergency to perform tasks necessary to mitigate the effects of the agricultural emergency, including hand labor tasks, if the agricultural employer ensures that all the following criteria are met:

(i) The State department of agriculture, or the State or Tribal agency responsible for pesticide enforcement declares an agricultural emergency that applies to the treated area, or agricultural employer has determined that the circumstances within the treated area are the same as circumstances the State department of agriculture, or the State or Tribal agency responsible for pesticide enforcement has previously determined would constitute an agricultural emergency.

(ii) The agricultural employer determines that the agricultural establishment is subject to the circumstances that result in an agricultural emergency meeting the criteria of paragraph (c)(1) of this section.

(iii) If the labeling of any pesticide product applied to the treated area requires workers to be notified of the location of treated areas by both posting and oral notification, then the agricultural employer must ensure that no individual worker spends more than four hours out of any 24-hour period in treated areas where such a restricted-entry interval is in effect.

(iv) No such entry is allowed during the first 4 hours after the application ends.

(v) No such entry is allowed until any inhalation exposure level listed in the pesticide product labeling has been reached or any ventilation criteria required by §170.405(b)(3) or the pesticide product labeling have been met.

(d) *Exceptions for limited contact and irrigation activities.* A worker may enter a treated area during a restricted-entry interval for limited contact or irrigation activities, if the agricultural employer ensures that all of the following requirements are met:

(1) No hand labor activity is performed.

7619 (2) No worker is allowed in the treated area for more than eight hours in a 24-hour
7620 period.

7621 (3) No such entry is allowed during the first 4 hours after the application ends.

7622 (4) No such entry is allowed until any inhalation exposure level listed in the pesticide
7623 product labeling has been reached or any ventilation criteria required by §170.405(b)(3) or the
7624 pesticide product labeling have been met.

7625 (5) The task is one that, if not performed before the restricted-entry interval expires,
7626 would cause substantial economic loss, and there are no alternative tasks that would prevent
7627 substantial loss.

7628 (6) With the exception of irrigation tasks, the need for the task could not have been
7629 foreseen.

7630 (7) The worker has no contact with pesticide-treated surfaces other than minimal contact
7631 with feet, lower legs, hands, and forearms.

7632 (8) The labeling of the pesticide product that was applied does not require that workers be
7633 notified of the location of treated areas by both posting and oral notification.

7634

7635 **§170.605 Agricultural employer responsibilities to protect workers entering treated areas**
7636 **during a restricted-entry interval.**

7637

7638 If an agricultural employer directs a worker to perform activities in a treated area where a
7639 restricted-entry interval is in effect, all of the following requirements must be met:

7640 (a) The agricultural employer must ensure that the worker is at least 18 years old.

7641 (b) Prior to early entry, the agricultural employer must provide to each early-entry worker

7642 the information described in paragraphs (b)(1) through (8) of this section. The information must
7643 be provided orally in a manner that the worker can understand.

7644 (1) Location of early-entry area where work activities are to be performed.

7645 (2) Pesticide(s) applied.

7646 (3) Dates and times that the restricted-entry interval begins and ends.

7647 (4) Which exception in §170.603 is the basis for the early entry, and a description of tasks
7648 that may be performed under the exception.

7649 (5) Whether contact with treated surfaces is permitted under the exception.

7650 (6) Amount of time the worker is allowed to remain in the treated area.

7651 (7) Personal protective equipment required by the pesticide product labeling for early
7652 entry.

7653 (8) Location of the pesticide safety information required by §170.311(a) and the location
7654 of the decontamination supplies required by §170.605(h).

7655 (c) Prior to early entry, the agricultural employer must ensure that each worker either has
7656 read the applicable pesticide product labeling or has been informed, in a manner that the worker
7657 can understand, of all labeling requirements and statements related to human hazards or
7658 precautions, first aid, and user safety.

7659 (d) The agricultural employer must ensure that each worker who enters a treated area
7660 during a restricted-entry interval is provided the personal protective equipment specified in the
7661 pesticide product labeling for early entry. The agricultural employer must ensure that the worker
7662 uses the personal protective equipment as intended according to manufacturer's instructions and
7663 follows any other applicable requirements on the pesticide product labeling. Personal protective
7664 equipment must conform to the standards in §170.507(b)(1) through (9).

7665 (e) The agricultural employer must maintain the personal protective equipment in
7666 accordance with §170.507(c) and (d).

7667 (f) The agricultural employer must ensure that no worker is allowed or directed to wear
7668 personal protective equipment without implementing measures sufficient to prevent heat-related
7669 illness and that each worker is instructed in the prevention, recognition, and first aid treatment of
7670 heat-related illness.

7671 (g) The agricultural employer must instruct each worker on the proper use and removal of
7672 the personal protective equipment, and as appropriate, on its cleaning, maintenance and disposal.
7673 The agricultural employer must not allow or direct any worker to wear home or to take home
7674 employer-provided personal protective equipment contaminated with pesticides.

7675 (h) During any early-entry activity, the agricultural employer must provide
7676 decontamination supplies in accordance with §170.509, except the decontamination supplies
7677 must be outside any area being treated with pesticides or subject to a restricted-entry interval,
7678 unless the decontamination supplies would otherwise not be reasonably accessible to workers
7679 performing early-entry tasks.

7680 (i) If the pesticide product labeling of the product applied requires protective eyewear, the
7681 agricultural employer must provide at least one pint of water per worker in portable containers
7682 for eye flushing that is immediately available to each worker who is performing early-entry
7683 activities.

7684 (j) At the end of any early-entry activities the agricultural employer must provide, at the
7685 site where the workers remove personal protective equipment, soap, single-use towels and at
7686 least three gallons of water per worker so that the workers may wash thoroughly.

7687

§170.607 Exceptions to personal protective equipment requirements specified on pesticide product labeling.

(a) *Body protection.* (1) A chemical-resistant suit may be substituted for coveralls. If a chemical-resistant suit is substituted for coveralls, any labeling requirement for an additional layer of clothing beneath the coveralls is waived.

(2) A chemical-resistant suit may be substituted for coveralls and a chemical-resistant apron.

(b) *Boots.* If chemical-resistant footwear with sufficient durability and a tread appropriate for wear in rough terrain is not obtainable, then leather boots may be worn in such terrain.

(c) *Gloves.* If chemical-resistant gloves with sufficient durability and suppleness are not obtainable, then during activities with plants with sharp thorns, leather gloves may be worn over chemical-resistant glove liners. However, once leather gloves are worn for this use, thereafter they must be worn only with chemical-resistant liners and they must not be worn for any other use.

(d) *Closed systems.* (1) When pesticides are being mixed or loaded using a closed system that meets all of the requirements in paragraph (d)(2) of this section, and the handler employer meets the requirements of paragraph (d)(3) of this section, the following exceptions to labeling-specified personal protective equipment are permitted:

(i) Handlers using a closed system to mix or load pesticides with a signal word of “DANGER” or “WARNING” may substitute a long-sleeved shirt, long pants, shoes and socks, chemical-resistant apron, protective eyewear, and any protective gloves specified on the labeling for handlers for the labeling-specified personal protective equipment.

7711 (ii) Handlers using a closed system to mix or load pesticides other than those specified in
7712 paragraph (d)(1)(i) of this section may substitute protective eyewear, long-sleeved shirt, long
7713 pants, and shoes and socks for the labeling-specified personal protective equipment.

7714 (2) The exceptions of paragraph (d)(1) of this section apply only in the following
7715 situations:

7716 (i) Where the closed system removes the pesticide from its original container and
7717 transfers the pesticide product through connecting hoses, pipes and couplings that are sufficiently
7718 tight to prevent exposure of handlers to the formulated pesticide, except for the negligible escape
7719 associated with normal operation of the system.

7720 (ii) When loading intact, sealed, water soluble packaging into a mixing tank or system. If
7721 the integrity of a water soluble packaging is compromised (for example, if the packaging is
7722 dissolved, broken, punctured, torn, or in any way allows its contents to escape), it is no longer a
7723 closed system and the labeling-specified personal protective equipment must be worn.

7724 (3) The exceptions of paragraph (d)(1) of this section apply only where the handler
7725 employer has satisfied the requirements of §170.313 and all of the following conditions:

7726 (i) Each closed system must have written operating instructions that are clearly legible
7727 and include: operating procedures for use, including the safe removal of a probe; maintenance,
7728 cleaning and repair; known restrictions or limitations relating to the system, such as incompatible
7729 pesticides, sizes (or types) of containers or closures that cannot be handled by the system; any
7730 limits on the ability to measure a pesticide; and special procedures or limitations regarding
7731 partially-filled containers.

7732 (ii) The written operating instructions for the closed system must be available at the
7733 mixing or loading site and must be made available to any handlers who use the system.

7734 (iii) Any handler operating the closed system must be trained in its use and operate the
7735 closed system in accordance with its written operating instructions.

7736 (iv) The closed system must be cleaned and maintained as specified in the written
7737 operating instructions and as needed to make sure the system functions properly.

7738 (v) All personal protective equipment specified in the pesticide product labeling is
7739 immediately available to the handler for use in an emergency.

7740 (vi) Protective eyewear must be worn when using closed systems operating under
7741 pressure.

7742 (e) *Enclosed cabs.* (1) If a handler applies a pesticide from inside a vehicle's enclosed
7743 cab, and if the conditions listed in paragraph (e)(2) of this section are met, exceptions to the
7744 personal protective equipment requirements specified on the product labeling for applicators are
7745 permitted as provided in paragraph (e)(3) of this section.

7746 (2) All of the personal protective equipment required by the pesticide product labeling for
7747 applicators must be immediately available and stored in a sealed container to prevent
7748 contamination. Handlers must wear the applicator personal protective equipment required by the
7749 pesticide product labeling if they exit the cab within a treated area during application or when a
7750 restricted-entry interval is in effect. Once personal protective equipment is worn in a treated area,
7751 it must be removed before reentering the cab to prevent contamination of the cab.

7752 (3) Handlers may substitute a long-sleeved shirt, long pants, shoes and socks for the
7753 labeling-specified personal protective equipment for skin and eye protection. If a particulate
7754 filtering respirator (NIOSH approval number prefix TC-84A) or dust/mist filtering respirator is
7755 required by the pesticide product labeling for applicators, then that respirator need not be worn
7756 inside the enclosed cab if the enclosed cab has a properly functioning air ventilation system

7757 which is used and maintained in accordance with the manufacture's written operating
7758 instructions. If any other type of respirator is required by the pesticide labeling for applicators,
7759 then that respirator must be worn.

7760 (f) *Aerial applications -- (1) Enclosed cockpit.* Handlers occupying an enclosed cockpit
7761 may substitute a long-sleeved shirt, long pants, shoes, and socks for labeling-specified personal
7762 protective equipment. The wearing of chemical-resistant gloves when entering or leaving an
7763 aircraft used to apply pesticides is optional, unless the pesticide product labeling requires
7764 applicators to wear chemical-resistant gloves when entering or leaving an aircraft. If gloves are
7765 brought into the cockpit of an aircraft that has been used to apply pesticides, the gloves shall be
7766 kept in an enclosed container to prevent contamination of the inside of the cockpit.

7767 (2) *Open cockpit.* Handlers applying pesticides from an open cockpit aircraft must use the
7768 personal protective equipment specified in the pesticide product labeling for use during
7769 application, except that chemical-resistant footwear need not be worn. A helmet may be
7770 substituted for chemical-resistant headgear. A helmet with a face shield lowered to cover the face
7771 may be substituted for protective eyewear.

7772 (g) *Crop advisors.* (1) Provided the conditions of paragraphs (g)(2) through (g)(4) of this
7773 section are met, crop advisors and their employees entering treated areas to perform crop
7774 advising tasks while a restricted-entry interval is in effect may substitute either of the following
7775 sets of personal protective equipment for the personal protective equipment specified on the
7776 pesticide labeling for handler activities:

7777 (i) The personal protective equipment specified on the pesticide product labeling for early
7778 entry.

7779 (ii) Coveralls, shoes plus socks and chemical-resistant gloves made of any waterproof

7780 material, and eye protection if the pesticide product labeling applied requires protective eyewear
7781 for handlers.

7782 (2) The application has been complete for at least four hours.

7783 (3) No such entry is allowed until any inhalation exposure level listed in the pesticide
7784 product labeling has been reached or any ventilation criteria required by §170.405(b)(3) or the
7785 pesticide product labeling have been met.

7786 (4) The crop advisor or crop advisor employee who enters a treated area during a
7787 restricted-entry interval only performs crop advising tasks while in the treated area.

7788

7789 **§ 170.609 Equivalency requests.**

7790 (a) States and Tribes that have promulgated worker protection regulations to protect
7791 agricultural workers and pesticide handlers from occupational pesticide exposure effective prior
7792 to **[Insert date: the effective date of the final rule specified in §170.11(a)(1)]**, have the option
7793 of requesting authority to continue implementing any provision(s) of the State's or Tribe's
7794 existing regulations that provides equivalent or greater protection in lieu of implementing any
7795 similar provision(s) in this part.

7796 (b) States or Tribes must submit requests for the authority to continue implementing State
7797 or Tribal regulation provision(s) in lieu of any similar provision(s) in this part by **[Insert date:**
7798 **180 days from the effective date of the final rule specified in §170.11(a)(1)]**. The request
7799 must be in the form of a letter from the State or Tribe to EPA that includes all of the following:

7800 (1) Identification of the provision(s) of this part for which the State or Tribe is requesting
7801 regulatory equivalency.

7802 (2) Appropriate documentation establishing that the pertinent State or Tribal worker

7803 protection provision(s) provides environmental and human health protection that meets or
7804 exceeds the protections provided by the identified provision(s) in this part.

7805 (3) Identification of any additional modifications to existing State or Tribal regulations
7806 that would be necessary in order to provide environmental and human health protection that
7807 meets or exceeds the similar provisions of this part, and an estimated timetable for the State or
7808 Tribe to effect these changes.

7809 (4) The expected economic impact of requiring compliance with the requirement(s) of
7810 this part in comparison with compliance with the State or Tribal requirement(s), and an
7811 explanation of why it is important that employers subject to the State or Tribal authority comply
7812 with the State or Tribal requirement(s) in lieu of similar provision(s) in this part.

7813 (5) The signature of the designated representative of the State or Tribal agency
7814 responsible for pesticide enforcement.

7815 (c) EPA's Office of Pesticide Programs will review the State's or Tribe's letter and
7816 supporting materials and determine whether the State or Tribal provision(s) provide
7817 environmental and human health protection that meets or exceeds the comparable provision(s) of
7818 this part.

7819 (d) EPA's Office of Pesticide Programs will inform the State or Tribe of its determination
7820 through a letter. The letter will either:

7821 (1) Authorize the State or Tribe to continue implementing its worker protection
7822 regulatory provision(s) in lieu of the comparable provision(s) of this part; or

7823 (2) Deny the State or Tribe authorization to continue implementing its worker protection
7824 regulatory provision(s) in lieu of the comparable provision(s) of this part and detail any reasons
7825 for declining authorization.

7826 (e) *Subsequent revisions.* Any State or Tribe that has received authorization from EPA
7827 through the process outlined in this section to continue implementing its State or Tribal worker
7828 protection regulatory provision(s) must inform EPA by letter within six months of any revision
7829 to the State or Tribal worker protection laws or regulations. The letter must contain the same
7830 information outlined in paragraph (b) of this section. The State or Tribe may continue
7831 implementing provisions of its worker protection regulations identified under paragraph (b) of
7832 this section unless and until EPA informs the State or Tribe through a letter that EPA has
7833 determined that the State's or Tribe's worker protection regulations no longer provide
7834 environmental and human health protection that meets or exceeds the comparable provision(s) of
7835 this part based on the revisions.

AL-15-000-8914

JOHN M. SHIMKUS
15th District, Illinois

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Washington, DC 20515
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ENERGY AND COMMERCE
COMMITTEE

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CHAIRMAN

HEALTH

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COMMUNICATIONS AND TECHNOLOGY

Congress of the United States

House of Representatives

Washington, DC 20515-1315

May 4, 2015

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Ms. Laura Vaught

Associate Administrator for Congressional and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Avenue, Nw, Room 3426 Arn
Washington, DC 20460-0001

Dear Ms. Vaught:

I recently met with constituents from Bellmont, Illinois, which is in the 15th Congressional District. These constituents were concerned about the burning of tires and plastic and the impact on the air quality in the town. Primarily, it appears that when leaves or debris are being burned other products, such as plastic containers, are being added to the burn pile.

It was suggested at this meeting that perhaps the EPA had some sort of educational materials about the negative consequences of burning such materials that could be placed at the local library or perhaps a speaker could be made available to the town. These constituents wish to remain anonymous but my office would be happy to share any information you have back with this group.

I can be contacted through Chuck Hantz in my Danville Office, at 201 North Vermilion, Suite 218, Danville, IL 61832. Chuck's phone number is 217-446-0664.

Thank you in advance for your attention to this matter.

Sincerely,


JOHN SHIMKUS
Member of Congress

JMS:2g
Enclosure(s)

AL-15-000-8914



United States Environmental Protection Agency
Regional Administrator
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

JUL 22 2015

The Honorable John Shimkus
Member, U.S. House of Representatives
201 North Vermilion Street, Suite 218
Danville, Illinois 61832

Dear Congressman Shimkus:

Thank you for your May 4, 2015 letter requesting information and educational materials about the impacts of burning trash.

The U.S. Environmental Protection Agency has developed educational brochures that discuss strategies for reducing trash burning. I have enclosed an example with this letter. These brochures are available on our website and may be customized with local information for public distribution. Please see <http://www.epa.gov/osw/nonhaz/municipal/backyard/pubs.htm> for the customizable brochure and additional information on trash burning.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Ronna Beckmann or Denise Fortin, the Region 5 Congressional Liaisons, at (312) 886-3000.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Hedman".

Susan Hedman
Regional Administrator

Enclosure